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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. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 14, 2003.

I hereby appoint the Honorable TOM COLE 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 an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2657) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. BENNETT, Mr. STEVENS, Mr. COCHRAN, Mr. BOND, Mr. DURBIN, Mr. JOHNSON, Mr. BYRD, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The messages also 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. 2559. An act 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.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2559) ''An Act 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,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested;

S. 886. An act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee, vice Vincent Randazzo, resigned.

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 California (Mr. FILNER) for 5 minutes.

PAY UP ACT WILL HELP HEALTHCARE PROVIDERS RECOUP SOME OF THEIR LOSSES

Mr. FILNER. Mr. Speaker, I represent a district that borders Mexico. In fact, I have the entire California-Mexico border in my district of South San Diego. I want today to address a problem that affects all border districts, that is, emergency healthcare for undocumented immigrants.

In my district, hospitals, ambulance services and other health care providers are suffering huge losses every year due to the uncompensated care given to undocumented immigrants.

When Congress passed the Emergency Medical Treatment and Active Labor Act, it required hospitals and other health care providers to give emergency care to anyone who comes through the emergency room doors, regardless of their ability to pay or their immigration status. I think this is a proper policy, and it is the only humane thing to do. We cannot leave people who need emergency care just out in the cold. However, since it is the Federal Government that instituted this law, then the Federal Government should cover the expenses of the medical care. What we have now is what is called an unfunded mandate. We mandate it, but we do not fund it.

Here is what happens in a border district such as mine, and constituents who are in emergency rooms and paramedics come to me all the time with this kind of situation. A border patrolman in the normal course of his or her duties will come across a person who is trying to enter the country illegally,

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but who got injured in that process. Often, due to the emergency nature of the injury or illness, the Border Patrol does not have time to officially take the person into custody, and, more, than likely, they do not want to take that person into custody because they know there will be money involved that will be charged against the Border Patrol account. So we have built in an institutional mechanism not to take that undocumented person into custody.

Then they will drive the injured person to the hospital, or call for an ambulance, and the hospital and the ambulance service will provide the necessary care and the person may be released and sent on his way.

Now, what is wrong with this picture? One, the hospitals and the ambulance services are out every single penny that it costs to give that person medical care; and, two, the undocumented person is not released into anyone's custody and has successfully entered the country illegally, courtesy of the Border Patrol and the emergency room.

What a great country. Apparently the best way to come in illegally is to injure yourself in the process. You will get top quality medical care for free, and then you will be released out into the community.

Now, I know the Border Patrol is stretched to its limits. What is more, in emergency situations they do not have time to check someone's documentation and officially take them into custody. However, it seems like a very big security breach that would put such a huge burden on our health care system and then, on top of it, let that person into our country without documentation.

I intend to introduce a bill to try to take care of this problem. It is called the Pay Up Act, ''pay up'' meaning ''pay for all your undocumented procedures.''

This will ensure that the Federal Government reimburses the hospitals and other health care providers for the care that they provided for people who are brought in by the Border Patrol or other Federal agencies, and that they are then released into the custody of that Border Patrol person after the care has been given. This will allow both for the emergency care to be given in a timely manner and ensure that the health care providers are paid, and gives the Border Patrol time to do the procedures necessary to take that person into custody.

Of course, we must authorize and provide the necessary funds to make sure that the Border Patrol and other Federal agencies involved are reimbursed properly. So I provide in this bill double security; security for our hospitals financially, and security for our Nation.

Mr. Speaker, I urge my colleagues to support this bill and to support our health care providers.

MAKING OUR HOMELAND SECURE

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, we know that September 11 was now almost 2 years ago, and that my country has a limited attention span. Even so, I cannot believe that 2 weeks after a bipartisan report told us that we are terribly unprepared for a bioterrorism attack, there have been no hearings.

Specifically, the report, compiled after interviews and assessments around this country, said that our first responders, the first line of defense and response in any kind of terrorist attack, is not even close to being prepared. Yet we have hardly heard a whimper up here, which makes me wonder if we have heard what the report said. So I want to use this time to just highlight a few things, that hopefully will finally get everyone's attention.

First, while there may be a few places that are ahead, on the average fire departments cannot communicate or protect their staff in the case of a WMD attack. Only 10 percent have the capability to respond to a building collapse. Neither are police departments prepared, and most cities do not have the means to identify a hazardous agent.

They are underfunded by almost $100 million. But even if the money was there, it is not likely it would improve the situation, because the task force found that underlying all this, there is no preparedness, coordination or standards. Local jurisdictions have had to develop them on their own, so we probably have a zillion plans, uncoordinated and with no clear guidance and direction from the Department of Homeland Security. This has been a stated concern of many of us on the committee.

Also cited as a major obstacle is the finding that the appropriations process, and, I would add, the whole process, is too politicized. Then, when the money gets appropriated, the conflicting bureaucracies and the red tape, as well as probably some politics at other levels too, keep it from getting to the first responders where it is needed.

But I want to spend my remaining time on one of my greatest concerns, the lack of readiness of our public health system, also cited in the report, as well by many on the committee, time and time again.

Labs are not equipped and hospitals are not prepared to respond to the need for increased capacity, despite the fancy center at the Department of Health and Human Services. There is a severe shortage of trained personnel, a fact that is continuously being made worse by the deployment of many first responders to Iraq, Afghanistan and Guantanamo Bay.

Mr. Speaker, this is an important report. If the people on the ground, the ones all of us will depend on in those critical first hours of an attack, do not have the tools, the training or the manpower required, we can all forget it.

There are some simple, but very well-researched and important recommendations, that need to be implemented. Just because they are what Democrats have been calling for from the outset should never get in the way of our protecting our American family from a future terrorist attack which everyone agrees will likely come.

All of us have the responsibility to make sure that every corner of this great country and all of the wonderful people who live here have a chance of making it through. Let the committee do its work, and let us all work together to make our homeland secure.

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 40 minutes a.m.), the House stood in recess until noon today.

□ 1200

AFTER RECESS

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

PRAYER

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

God of revelation and Lord of salvation, throughout our sacred history You call people together to enhance life and guide people to organize themselves and help each other to build a future. Be with this Nation and gift its leaders with wisdom and prudence during this coming week.

Every community needs a common vision in order to live life to the fullest and grow in unity. May our common vision for what is best for this Nation and most fitting for this moment in world history arise from a renewed unity of mind and heart in this Nation and be brought to reality by faith, hard work, and a transformation of spirit.

As a living vision, may today's decisions and tomorrow's plans evolve gradually by constantly integrating new experiences and new knowledge with great traditions, respected history, and treasured values of the American people.

To you, O Lord, be the glory, power and honor now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BONILLA 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.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 2673, and that I may include tabular and extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be confined to the bill, and be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentlewoman from Ohio (Ms. KAPTUR) and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BONILLA).

The motion was agreed to.

□ 1205

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. 2673, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

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

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

Mr. BONILLA. Mr. Chairman, I am pleased to bring before the House today the fiscal year 2004 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies.

My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

The Subcommittee began work on this bill with the submission of the President's Budget on February 3rd. We had ten public hearings beginning on February 26th, and we completed our hearings on March 20th. The transcripts of these hearings, the Administration's official statements, the detailed budget requests, several thousand questions for the record and the statements of Members and the public are all contained in eight hearing volumes.

The Subcommittee and full Committee marked up the bill on June 17th and June 25th, respectively.

We have tried very hard to accommodate the requests of Members, and to provide increases for critical programs. We received more than 2,380 individual requests for specific spending, from almost every member of the House. Reading all of the mail I received, I can confirm to you that the interest in this bill is completely bipartisan. However, I would point out that my own support for a member's needs is dependent on that member's support of the Committee in general, and of this bill in particular.

This bill does have very limited increases over fiscal year 2003, or over the budget request, for programs that have always enjoyed strong bipartisan support. Those increases include:

Agricultural Research Service, $39 million above the request.

Animal and Plant Health Inspection Service, $38 million above last year, and $31 million above the request.

Food Safety and Inspection Service, $30 million above last year.

Farm Service Agency, $33 million above last year.

Natural Resources Conservation Service, $23 million over last year.

Rural Community Advancement Program, $223 million above the request.

Food and Drug Administration, $14 million over last year.

Mr. Chairman, we all refer to this bill as an agriculture bill, but it does far more than assisting basic agriculture. It also supports human nutrition, the environment, and food, drug and medical safety. This is a bill that will deliver benefits to every one of our constituents every day, no matter what kind of district they represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank the gentleman from Florida (Chairman YOUNG), and the gentleman from Wisconsin (Mr. OBEY), who serves as the distinguished chairman and ranking member of the Committee on Appropriations. I would also like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the gentleman from Virginia (Mr. GOODE); the gentleman from Illinois (Mr. LAHOOD); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); and the gentleman from Florida (Mr. BOYD).

In particular, I want to thank the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman I would like to include at this point in the RECORD tabular material relating to the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	3,320	10,068	3,468	+148	-6,600
Executive Operations:					
Chief Economist	8,510	12,264	8,716	+206	-3,548
National Appeals Division	13,670	14,242	13,670	---	-572
Office of Budget and Program Analysis	7,270	7,980	7,749	+479	-231
Homeland Security staff	---	1,479	---	---	-1,479
Office of the Chief Information Officer	14,993	31,334	14,993	---	-16,341
Common computing environment	132,289	177,714	133,155	+866	-44,559
Office of the Chief Financial Officer	5,496	7,902	5,785	+289	-2,117
Working capital fund	11,922	---	---	-11,922	---
Total, Executive Operations	194,150	252,915	184,068	-10,082	-68,847
Office of the Assistant Secretary for Civil Rights	397	808	397	---	-411
Office of the Assistant Secretary for Administration	660	793	678	+18	-115
Agriculture buildings and facilities and rental payments	(186,879)	(199,332)	(156,891)	(-29,988)	(-42,441)
Payments to GSA	120,796	124,332	124,332	+3,536	---
Building operations and maintenance	32,327	41,000	32,559	+232	-8,441
Repairs, renovations, and construction	33,756	34,000	---	-33,756	-34,000
Hazardous materials management	15,583	15,713	15,713	+130	---
Departmental administration	37,629	45,128	38,592	+963	-6,536
Office of the Assistant Secretary for Congressional Relations	3,796	4,186	3,796	---	-390
Office of Communications	9,031	10,084	9,245	+214	-839
Office of the Inspector General	73,417	81,895	77,314	+3,897	-4,581
Office of the General Counsel	34,700	37,328	34,700	---	-2,628
Office of the Under Secretary for Research, Education and Economics	584	792	597	+13	-195
Economic Research Service	68,674	76,657	71,402	+2,728	-5,255
National Agricultural Statistics Service	138,448	136,182	129,800	-8,648	-6,382
Census of Agriculture	(41,274)	(25,279)	(25,279)	(-15,995)	---
Agricultural Research Service:					
Salaries and expenses	1,035,130	987,303	1,014,000	-21,130	+26,697
Buildings and facilities	118,703	24,000	35,900	-82,803	+11,900
Supplemental appropriations (P.L. 108-11)	110,000	---	---	-110,000	---
Total, Agricultural Research Service	1,263,833	1,011,303	1,049,900	-213,933	+38,597
Cooperative State Research, Education, and Extension Service:					
Research and education activities	616,792	514,228	594,772	-22,020	+80,544
Native American Institutions Endowment Fund	(7,054)	(9,000)	(9,000)	(+1,946)	---
Extension activities	450,520	422,268	438,242	-12,278	+15,974
Integrated activities	46,439	62,865	62,942	+16,503	+77
Outreach for socially disadvantaged farmers	3,470	4,003	3,470	---	-533
Total, Cooperative State Research, Education, and Extension Service	1,117,221	1,003,364	1,099,426	-17,795	+96,062
Office of the Under Secretary for Marketing and Regulatory Programs	725	791	725	---	-66
Animal and Plant Health Inspection Service:					
Salaries and expenses	682,757	694,897	725,502	+42,745	+30,605
Buildings and facilities	9,924	4,996	4,996	-4,928	---
Total, Animal and Plant Health Inspection Service	692,681	699,893	730,498	+37,817	+30,605

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	75,210	75,071	75,953	+743	+882
Standardization user fees	(5,000)	(5,000)	(5,000)	---	---
(Limitation on administrative expenses, from fees collected)	(61,619)	(62,577)	(62,577)	(+958)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	14,910	15,392	15,392	+482	---
Payments to states and possessions	1,338	1,347	1,347	+9	---
Total, Agricultural Marketing Service	91,458	91,810	92,692	+1,234	+882
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	39,690	41,688	39,690	---	-1,998
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	599	792	599	---	-193
Food Safety and Inspection Service	754,821	797,149	785,261	+30,440	-11,888
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,728,296	4,518,671	4,525,452	-202,844	+6,781
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	618	916	636	+18	-280
Farm Service Agency:					
Salaries and expenses	970,389	1,016,836	1,016,836	+46,447	---
(Transfer from export loans)	(829)	(985)	(985)	(+156)	---
(Transfer from P.L. 480)	(1,019)	(2,975)	(2,975)	(+1,956)	---
(Transfer from ACIF)	(277,361)	(290,136)	(290,136)	(+12,775)	---
Subtotal, transfers from program accounts	(279,209)	(294,096)	(294,096)	(+14,887)	---
Total, Salaries and expenses	(1,249,598)	(1,310,932)	(1,310,932)	(+61,334)	---
State mediation grants	3,974	4,000	3,974	---	-26
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	974,463	1,020,936	1,020,910	+46,447	-26
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(130,000)	(140,149)	(133,143)	(+3,143)	(-7,006)
Guaranteed	(1,000,000)	(1,000,000)	(950,000)	(-50,000)	(-50,000)
Subtotal	(1,130,000)	(1,140,149)	(1,083,143)	(-46,857)	(-57,006)
Farm operating loans:					
Direct	(605,000)	(650,000)	(617,503)	(+12,503)	(-32,497)
Unsubsidized guaranteed	(1,700,000)	(1,400,000)	(1,330,000)	(-370,000)	(-70,000)
Subsidized guaranteed	(400,000)	(266,249)	(252,937)	(-147,063)	(-13,312)
Subtotal	(2,705,000)	(2,316,249)	(2,200,440)	(-504,560)	(-115,809)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	---	---
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---	(+40,000)
Total, Loan authorizations	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
Loan subsidies:					
Farm ownership loans:					
Direct	14,995	30,945	29,398	+14,403	-1,547
Guaranteed	7,451	5,400	5,130	-2,321	-270
Subtotal	22,446	36,345	34,528	+12,082	-1,817

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Farm operating loans:					
Direct	103,744	93,730	89,044	-14,700	-4,686
Unsubsidized guaranteed	53,540	46,620	44,289	-9,251	-2,331
Subsidized guaranteed	46,893	34,000	32,300	-14,593	-1,700
Subtotal	204,177	174,350	165,633	-38,544	-8,717
Indian tribe land acquisition	178	---	---	-178	---
Total, Loan subsidies	226,801	210,695	200,161	-26,640	-10,534
ACIF expenses:					
Salaries and expense (transfer to FSA)	277,361	290,136	290,136	+12,775	---
Administrative expenses	7,948	8,000	8,000	+52	---
Total, ACIF expenses	285,309	298,136	298,136	+12,827	---
Total, Agricultural Credit Insurance Fund	512,110	508,831	498,297	-13,813	-10,534
(Loan authorization)	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
Total, Farm Service Agency	1,486,573	1,529,767	1,519,207	+32,634	-10,560
Risk Management Agency	70,248	78,488	71,509	+1,261	-6,979
Total, Farm Assistance Programs	1,557,439	1,609,171	1,591,352	+33,913	-17,819
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	2,886,000	3,368,000	3,368,000	+482,000	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	16,285,000	17,275,000	17,275,000	+990,000	---
Hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	---	---
Total, Corporations	19,171,000	20,643,000	20,643,000	+1,472,000	---
Total, title I, Agricultural Programs	25,456,735	26,770,842	26,759,804	+1,303,069	-11,038
(By transfer)	(279,209)	(294,096)	(294,096)	(+14,887)	---
(Loan authorization)	(3,937,000)	(3,518,398)	(3,385,583)	(-551,417)	(-132,815)
(Limitation on administrative expenses)	(109,082)	(110,040)	(110,040)	(+958)	---
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	745	918	745	---	-173
Natural Resources Conservation Service:					
Conservation operations	819,641	703,605	850,004	+30,363	+146,399
Watershed surveys and planning	11,124	5,000	11,124	---	+6,124
Watershed and flood prevention operations	109,285	40,000	90,000	-19,285	+50,000
Watershed rehabilitation program	29,805	10,000	40,000	+10,195	+30,000
Resource conservation and development	50,668	49,943	52,894	+2,226	+2,951
Farm bill technical assistance	---	432,160	---	---	-432,160
Total, Natural Resources Conservation Service	1,020,523	1,240,708	1,044,022	+23,499	-196,686
Total, title II, Conservation Programs	1,021,268	1,241,626	1,044,767	+23,499	-196,859
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	636	913	636	---	-277

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Development:					
Rural community advancement program	901,837	477,864	706,006	-195,831	+228,142
Tree assistance (sec. 747)	---	---	-5,000	-5,000	-5,000
(Transfer out)	(-29,805)	---	---	(+29,805)	---
Total, Rural community advancement program	901,837	477,864	701,006	-200,831	+223,142
RD expenses:					
Salaries and expenses	144,789	147,520	146,495	+1,706	-1,025
(Transfer from RHIF)	(429,564)	(482,787)	(447,151)	(+17,587)	(-35,636)
(Transfer from RDLFP)	(4,163)	(4,850)	(4,283)	(+120)	(-567)
(Transfer from RETLP)	(37,587)	(41,562)	(38,166)	(+579)	(-3,396)
(Transfer from RTB)	(3,062)	(3,462)	(3,182)	(+120)	(-280)
Subtotal, Transfers from program accounts	(474,376)	(532,661)	(492,782)	(+18,406)	(-39,879)
Total, RD expenses	(619,165)	(680,181)	(639,277)	(+20,112)	(-40,904)
Total, Rural Development	1,046,626	625,384	847,501	-199,125	+222,117
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,037,868)	(1,366,462)	(1,366,462)	(+328,594)	---
Unsubsidized guaranteed	(2,845,318)	(2,725,172)	(2,725,172)	(-120,146)	---
Subtotal, Single family	(3,883,186)	(4,091,634)	(4,091,634)	(+208,448)	---
Housing repair (sec. 504)	(35,000)	(35,003)	(35,003)	(+3)	---
Rental housing (sec. 515)	(115,805)	(70,830)	(116,545)	(+740)	(+45,715)
Site loans (sec. 524)	(5,046)	(5,045)	(5,045)	(-1)	---
Multi-family housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)	---	---
Multi-family housing credit sales	(2,000)	(1,500)	(1,500)	(-500)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(5,011)	(5,000)	(5,000)	(-11)	---
Total, Loan authorizations	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)
Loan subsidies:					
Single family (sec. 502)	201,035	126,018	126,018	-75,017	---
Unsubsidized guaranteed	32,388	39,903	39,903	+7,515	---
Subtotal, Single family	233,423	165,921	165,921	-67,502	---
Housing repair (sec. 504)	10,786	9,612	9,612	-1,174	---
Rental housing (sec. 515)	53,649	30,464	50,126	-3,523	+19,662
Site loans (sec. 524)	55	---	---	-55	---
Multi-family housing guarantees (sec. 538)	4,471	5,950	5,950	+1,479	---
Multi-family housing credit sales	928	663	663	-265	---
Single family housing credit sales	---	---	---	---	---
Self-help housing land develop. (sec. 523)	220	154	154	-66	---
Total, Loan subsidies	303,532	212,764	232,426	-71,106	+19,662
RHIF administrative expenses (transfer to RD)	429,564	482,787	447,151	+17,587	-35,636
Rental assistance program:					
(Sec. 521)	715,419	734,100	725,100	+9,681	-9,000
(Sec. 502(c)(5)(D))	5,862	5,900	5,900	+38	---
Total, Rental assistance program	721,281	740,000	731,000	+9,719	-9,000
Total, Rural Housing Insurance Fund	1,454,377	1,435,551	1,410,577	-43,800	-24,974
(Loan authorization)	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Mutual and self-help housing grants	34,772	34,000	34,772	---	+772
Rural housing assistance grants	42,222	41,500	42,222	---	+722
Farm labor program account	36,071	35,018	36,307	+236	+1,289
Subtotal, grants and payments	113,065	110,518	113,301	+236	+2,783
Total, Rural Housing Service	1,567,442	1,546,069	1,523,878	-43,564	-22,191
(Loan authorization)	(4,156,048)	(4,319,012)	(4,364,727)	(+208,679)	(+45,715)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(40,000)	(40,000)	(40,000)	---	---
Loan subsidy	19,179	17,308	17,308	-1,871	---
Administrative expenses (transfer to RD)	4,163	4,850	4,283	+120	-567
Total, Rural Development Loan Fund	23,342	22,158	21,591	-1,751	-567
Rural Economic Development Loans Program Account:					
(Loan authorization)	(14,967)	(15,002)	(16,120)	(+1,153)	(+1,118)
Direct subsidy	3,176	2,792	3,000	-176	+208
Rural cooperative development grants	8,941	11,000	13,000	+4,059	+2,000
Rural empowerment zones and enterprise communities grants	14,870	---	10,967	-3,903	+10,967
Renewable energy program	---	3,000	3,000	+3,000	---
Total, Rural Business-Cooperative Service	50,329	38,950	51,558	+1,229	+12,608
(Loan authorization)	(54,967)	(55,002)	(56,120)	(+1,153)	(+1,118)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(121,103)	(240,000)	(240,000)	(+118,897)	---
Direct, Municipal rate	(100,000)	(100,000)	(1,000,000)	(+900,000)	(+900,000)
Direct, FFB	(2,600,000)	(1,500,000)	(2,000,000)	(-600,000)	(+500,000)
Direct, Treasury rate	(1,150,000)	(700,000)	(750,000)	(-400,000)	(+50,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	---	---
Guaranteed underwriting	(1,000,000)	---	---	(-1,000,000)	---
Subtotal, Electric	(5,071,103)	(2,640,000)	(4,090,000)	(-981,103)	(+1,450,000)
Telecommunications:					
Direct, 5%	(75,029)	(145,000)	(145,000)	(+69,971)	---
Direct, Treasury rate	(300,000)	(250,000)	(300,000)	---	(+50,000)
Direct, FFB	(120,000)	(100,000)	(120,000)	---	(+20,000)
Subtotal, Telecommunications	(495,029)	(495,000)	(565,000)	(+69,971)	(+70,000)
Total, Loan authorizations	(5,566,132)	(3,135,000)	(4,655,000)	(-911,132)	(+1,520,000)
Loan subsidies:					
Electric:					
Direct, 5%	6,870	---	---	-6,870	---
Direct, Municipal rate	4,004	---	---	-4,004	---
Guaranteed electric	79	60	60	-19	---
Subtotal, Electric	10,953	60	60	-10,893	---
Telecommunications:					
Direct, 5%	1,275	---	---	-1,275	---
Direct, Treasury rate	149	125	125	-24	---
Subtotal, Telecommunications	1,424	125	125	-1,299	---
Total, Loan subsidies	12,377	185	185	-12,192	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
RETLP administrative expenses (transfer to RD)	37,587	41,562	38,166	+579	-3,396
Total, Rural Electrification and Telecommunications Loans Program Account..	49,964	41,747	38,351	-11,613	-3,396
(Loan authorization).....	(5,566,132)	(3,135,000)	(4,655,000)	(-911,132)	(+1,520,000)
Rural Telephone Bank Program Account:					
(Loan authorization).....	(174,615)	---	---	(-174,615)	---
Direct loan subsidy.....	2,394	---	---	-2,394	---
RTB administrative expenses (transfer to RD)..	3,062	3,462	3,182	+120	-280
Total, Rural Telephone Bank Program Account.	5,456	3,462	3,182	-2,274	-280
High energy costs grants (by transfer).....	(29,805)	---	---	(-29,805)	---
Distance learning, telemedicine and broadband program:					
Loan authorizations:					
Distance learning and telemedicine.....	(300,000)	(50,000)	(300,000)	---	(+250,000)
Broadband telecommunications.....	(80,000)	(336,000)	(336,000)	(+256,000)	---
Total, Loan authorizations.....	(380,000)	(386,000)	(636,000)	(+256,000)	(+250,000)
Loan subsidies:					
Distance learning and telemedicine:					
Grants.....	46,636	25,000	25,000	-21,636	---
Broadband telecommunications:					
Direct.....	---	9,116	9,116	+9,116	---
Grants.....	9,935	2,000	8,000	-1,935	+6,000
Total, Loan subsidies and grants.....	56,571	36,116	42,116	-14,455	+6,000
Total, Rural Utilities Service.....	111,991	81,325	83,649	-28,342	+2,324
(Loan authorization).....	(6,120,747)	(3,521,000)	(5,291,000)	(-829,747)	(+1,770,000)
Total, title III, Rural Economic and Community Development Programs.....	2,777,024	2,292,641	2,507,222	-269,802	+214,581
(By transfer).....	(504,181)	(532,661)	(492,782)	(-11,399)	(-39,879)
(Loan authorization).....	(10,331,762)	(7,895,014)	(9,711,847)	(-619,915)	(+1,816,833)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	599	786	599	---	-187
Food and Nutrition Service:					
Child nutrition programs.....	5,830,506	6,819,340	6,718,780	+888,274	-100,560
Transfer from section 32.....	4,745,663	4,599,101	4,699,661	-46,002	+100,560
Discretionary spending.....	3,974	---	---	-3,974	---
Total, Child nutrition programs.....	10,580,143	11,418,441	11,418,441	+838,298	---
Special supplemental nutrition program for women, infants, and children (WIC).....	4,696,000	4,769,232	4,588,310	-107,690	-180,922
Contingency fund.....	(125,000)	(25,000)	(150,000)	(+25,000)	(+125,000)
Food stamp program:					
Expenses.....	22,772,692	24,208,981	24,203,176	+1,430,484	-5,805
Reserve.....	2,000,000	2,000,000	2,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,401,000	1,397,000	1,402,805	+1,805	+5,805
The emergency food assistance program.....	140,000	140,000	140,000	---	---
Total, Food stamp program.....	26,313,692	27,745,981	27,745,981	+1,432,289	---
Commodity assistance program.....	163,431	166,072	166,072	+2,641	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Food donations programs:					
Needy family program	1,074	---	---	-1,074	---
Nutrition programs administration	135,672	144,849	140,512	+4,840	-4,337
Total, Food and Nutrition Service	41,890,012	44,244,575	44,059,316	+2,169,304	-185,259
Total, title IV, Domestic Food Programs	41,890,611	44,245,361	44,059,915	+2,169,304	-185,446
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	129,103	140,798	133,924	+4,821	-6,874
(Transfer from export loans)	(3,203)	(3,327)	(3,327)	(+124)	---
(Transfer from P.L. 480)	(1,026)	(1,066)	(1,066)	(+40)	---
Total, Salaries and expenses program level	(133,332)	(145,191)	(138,317)	[illegible]	[illegible] 874)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(154,664)	(132,000)	(132,000)	(-22,664)	---
Loan subsidies	115,416	103,887	103,887	-11,529	---
Ocean freight differential grants	24,995	28,000	28,000	+3,005	---
Title II - Commodities for disposition abroad:					
Program level	(1,192,200)	(1,185,000)	(1,192,000)	(-200)	(+7,000)
Appropriation	1,192,200	1,185,000	1,192,000	-200	+7,000
Supplemental appropriations (P.L. 108-11)	369,000	---	---	-369,000	---
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,026	1,066	1,066	+40	---
Farm Service Agency (transfer to FSA)	1,019	2,975	2,975	+1,956	---
Subtotal	2,045	4,041	4,041	+1,996	---
Total, Public Law 480:					
Program level	(1,192,200)	(1,185,000)	(1,192,000)	(-200)	(+7,000)
Appropriation	1,703,656	1,320,928	1,327,928	-375,728	+7,000
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,203	3,327	3,327	+124	---
Farm Service Agency (transfer to FSA)	829	985	985	+156	---
Total, CCC Export Loans Program Account	4,032	4,312	4,312	+280	---
McGovern-Dole international food for education and child nutrition program grants	---	50,000	56,874	+56,874	+6,874
Total, title V, Foreign Assistance and Related Programs	1,836,791	1,516,038	1,523,038	-313,753	+7,000
(By transfer)	(4,229)	(4,393)	(4,393)	(+164)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,373,714	1,394,617	1,389,234	+15,520	-5,383
Prescription drug user fee act	(222,900)	(249,825)	(249,825)	(+26,925)	---
Medical device user fee act	(25,125)	(29,190)	(29,190)	(+4,065)	---
Subtotal	(1,621,739)	(1,673,632)	(1,668,249)	(+46,510)	(-5,383)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2673)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Mammography clinics user fee (outlay savings)	(16,112)	(16,576)	(16,576)	(+464)	---
Export and color certification	(6,378)	(6,649)	(6,649)	(+271)	---
Payments to GSA	(108,269)	(120,045)	(120,045)	(+11,776)	---
Buildings and facilities	7,948	11,500	6,000	-1,948	-5,500
Total, Food and Drug Administration	1,381,662	1,406,117	1,395,234	+13,572	-10,883
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	85,426	88,435	88,435	+3,009	---
Farm Credit Administration (limitation on administrative expenses)	(38,400)	(40,900)	(40,900)	(+2,500)	---
Total, title VI, Related Agencies and Food and Drug Administration	1,467,088	1,494,552	1,483,669	+16,581	-10,883
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	2,981	---	3,000	+19	+3,000
National Sheep Industry Improvement Center revolving fund	496	---	499	+3	+499
Child and adult care feeding program	21,857	---	---	-21,857	---
P.L. 480 Title II	248,375	---	---	-248,375	---
Tree assistance (sec. 747)	---	---	5,000	+5,000	+5,000
Total, title VII, General provisions	273,709	---	8,499	-265,210	+8,499
Grand total:					
New budget (obligational) authority	74,723,226	77,561,060	77,386,914	+2,663,688	-174,146
(By transfer)	(787,619)	(831,150)	(791,271)	(+3,652)	(-39,879)
(Loan authorization)	(14,423,426)	(11,545,412)	(13,229,430)	(-1,193,996)	(+1,684,018)
(Limitation on administrative expenses)	(147,482)	(150,940)	(150,940)	(+3,458)	---

1/ In addition to appropriation.

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

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

Mr. Chairman, at a time of recession, rising unemployment in our country, the currency fluctuations that are affecting our markets internationally and great dependency on the Federal Government by our farm sector for economic survival, this bill fails to meet the needs of today's economy, including in rural America, for a countercyclical boost.

It has been a great pleasure working with our chairman, the gentleman from Texas (Mr. BONILLA), in trying to do the best with the allocation that we were afforded by the full committee; but it is very important as we proceed today to place on the record not only the condition of rural America but how this country and the government of this country is responding to it.

The allocation that we received forced our committee to produce a bill that is nearly $1 billion under last year's level, indeed $872 million. This situation exists partly because of the fault of the administration which submitted a request to us that did not provide support in many critical areas. In part, it is the fault of this Republican Congress which adopted a budget resolution that did not recognize the vital role that agriculture plays as a pillar of our economy. In fact, the allocation, as I said, for this bill is well below the administration's request as well as last year's level.

As a result, the bill underinvests in rural America. Surely in value-added production, where the future lies, it cripples our producers' efforts to earn more from the marketplace and less from support payments that continue to be forked over by the billions. The bill fails to meet the needs of other Americans who depend on agencies in the bill for nutrition, food safety, and other important services.

Technically the bill provides $17.005 billion for discretionary programs, and that is about a percent below the budget request, but 5 percent below the 2003 level of $17.877 billion, a most astonishing set of cutbacks in America's leading domestic industry that still maintains a trade surplus in global markets. I might mention, if Members think about the total of our entire bill, about $17 billion, we are spending that much in 4 months in Iraq. According to what Secretary Rumsfeld has told Congress, we are spending about $4 billion a month, twice as much as we anticipated, to try to feed hungry people and deal with health clinics and all the related expenditures in keeping our troops well supplied. If we think about what we are asking for in this bill versus what we are spending in other places in the world, we can call into question what has been brought to the floor in this package.

Now, among the funds and programs that are underfunded or at risk of inadequate support are farm loans, rural development, domestic food programs, international food aid, research, which is so important to the future, the Food & Drug Administration, such as approving medical devices, and a number of mandatory programs, for which funding is blocked. Funding for many new initiatives established in the farm bill to lead American agriculture into the 21st century is, once again, deferred.

And in some other accounts, it is highly likely that additional funds may be needed when this bill goes to conference, but those funds simply will not be available.

Let us talk about rural America. It is a part of our country on life support. We have a crisis in the rural parts of America born of concentration inside our market that is supposed to be competitive. As well, we have a crisis of diminishing U.S. exports. Even though our agricultural trade surplus at least helps to try to hold up our trade accounts, nonetheless, over the years we have had fewer agricultural exports and more imports coming into this country. So, agricultural America is beginning to tilt toward the negative in the same way as manufacturing America in terms of our trade accounts. We have a crisis in rural America of ignoring investment in new value-added developments such as bioenergy production in which this bill severely underinvests. The economic crisis in agriculture has social consequences in crime and social instability in the part of America that used to be called the heartland and always regarded as the cherished repository of our most fundamental values of free holding, of family, of faith, of community, and of stewardship.

The New York Times ran a powerful article in December entitled ''Pastoral Poverty: The Seeds of Decline.'' It detailed the systematic decline of the social fabric across rural America. Here are some of the conditions that were mentioned: the rate of serious crime in predominantly rural States such as Kansas and Oklahoma is 50 percent higher than in places like New York State where we have some of the largest metropolitan areas in the country; bank robberies are most likely in towns of 10,000 to 25,000 people. The article went on to talk about people in rural areas making much less than their urban counterparts and much more likely to have only minimum-wage jobs.

There were 300 times more seizures of methamphetamine labs in Iowa in 1999 than in New York and New Jersey combined, based on Drug Enforcement Administration figures.

So if everything is so great, why is the social fabric disintegrating? The economic factors that lead to this social disintegration are very clear, and they have been accelerating for a number of years. This bill will only help exacerbate them because today it is no secret that all that is holding up rural America is Federal subsidy. Fifty cents of every farm dollar today is earned from the mailbox when the farmer goes out to get his subsidy check, not from the market.

□ 1215

This bill could really do something to turn that around. It fails to do that.

More farmers and ranchers are depending on off-farm income to supplement an economy that is not working for them. USDA's economists recently reported that more than half of all farm operators have off-farm income, and when other household members are added in the off-farm income level jumps to 85 percent. So farming is becoming more of a hobby-oriented activity out there because you cannot earn your income unless you have inherited an enormous amount from past generations and even then you are trying to hold up your current debt level. The market is not providing real income without the Federal subsidy.

The stresses of rural life were also illustrated in a story last year about an Iowa program to provide mental health counseling to struggling farmers and their families. Surely this economic stress has an impact on people's ability to weather this economy over a number of years. But the funding so essential to help farmers make it in the market, in the competitive marketplace, is severely undermined in this bill. This is true with farm loan programs. Which help farmers to buy a farm or operate a farm; with rural development programs, which help both individuals and communities with homeownership, so essential to helping move our economy out of recession; water and sewer needs, which are hard investments that lead to growth; telecommunications and other vital services so necessary to help rural America jump-start into the private economy. All of these needed programs are either cut or fail to be funded in this bill. The bill falls far short of the true need.

Let us go through them. Farm loans. Overall, the bill cuts farm loans by 5 percent below the request, providing $173 million less in loans. For three critical programs, farm ownership guaranteed loans, farm operating direct loans, and farm operating subsidized guaranteed loans, the bill provides about a half a billion dollars less in loans than last year. That is a 20 percent cut. That is a cut in investment for our future.

Many other programs are cut. The business and industry guaranteed loan program is cut by 38 percent. This is where the new jobs will come from in rural America. Yet, in a time of recession, the administration and their congressional allies are cutting that by over a third.

Single family guaranteed home loans are 4 percent below the 2003 request. And think about that. That is $120 million less to offer borrowers at a time when the housing industry is the only industry that is out there that is holding this economy up as it hemorrhages jobs in other sectors.

The bill eliminates funding for the Rural Telephone Bank, which made $175 million of loans last year in 23 States. And we know that the utilities and the communications infrastructure of rural America is not at the same level as in our metropolitan areas. I think that is a very backward-looking cut.

What about water and wastewater disposal grants, one of the core programs of rural development? Every single State in this Union has people, lots of people, backed up to try to get approval for these programs. The bill does provide more funding than the administration's request, but it is $43 million below what was spent last year and almost $250 million below the level that numerous Members of Congress asked of this committee to meet the realistic needs of rural development.

Grants for distance learning and telemedicine and broadband are $24 million below this year's level.

I do not have to tell anybody out there about the shortage of physicians and medical information in rural America compared to urban and suburban America.

Funding for electric loan programs is nearly $1 billion below this year, a 20 percent reduction. How does that really help development across rural America?

Let us now look at our domestic and international programs. They are underfunded. During this year, Democrats focused on the record demand for domestic food, such as women, infants and children's coupons and food stamps. Noting enormous lines at soup kitchens and food pantries this winter, we fought very hard for temporary emergency assistance for food, and for these food banks across America. The bill does not respond adequately to these concerns, that is for sure.

Now, with the major rebuilding efforts that America is going to have to make in Iraq and Afghanistan, food will be critical to stabilizing the situation there; and we know that this bill falls far short of what is needed long-term. It simply cannot hold. We cannot meet these commitments without increasing the funding levels in these programs.

Let us now look at our domestic food programs. I mentioned the Temporary Emergency Food Assistance Program. It is $10 million below the new authorized level in the farm bill. All you have to do is go out to the food banks in your region to see what the need really is and hear the concerns that have been expressed by food bank directors and by human service directors and church leaders across this country. Funding for the Women, Infants and Children's Program is reduced below the administration request. The Commodity Supplemental Food Program is almost $20 million below this year. These are all programs that help keep people whole in bad economic times.

Neither the administration request nor the bill that is before us today adequately provides funding for the Senior Farmers Market Nutrition Program, despite the fact that applications in recent years have far outpaced available funds.

The Food and Drug Administration in this bill receives nearly $11 million less than what was requested. What does that mean? It means that we will not have full funding to implement the generic drug program, the Best Pharmaceuticals for Children Act, the over-the-counter drug program and the patient safety and adverse event reporting initiative. The bill will also halt work on the Arkansas regional lab and reduce funding for ongoing maintenance at Food and Drug Administration facilities by 25 percent.

An area of interest to many Members is medical device funding. The administration made an agreement in 2002 with the medical device industry and authorizing committees here for new industry user fees in exchange for a set level of discretionary funding each year for the program. Under the statute, if total discretionary funds fall short of the required level over a several-year period, the program sunsets. But despite the fact that it was a party to this agreement, the administration completely failed to live up to its part of the deal last year and this year and did not request the required funds. At least 46 Members of both parties requested that the full amount for devices be provided.

This bill provides an increase of $9 million over the request for the medical device program, but this is still short of the required level in order to really make the approval program work.

I wanted to say a word about mandatory programs because the bill includes 10 provisions cutting mandatory agricultural programs by $540 million. These are programs that provide support for rural firefighters; dam rehabilitation; renewable energy, and what could be more important to our country than that when we hemorrhage in terms of our ability to balance our trade accounts because of imported petroleum; conservation, which was a promise made in the recent farm bill; telecommunications and research. These cuts in those mandatory programs will have a real impact across rural America.

The Small Watershed Rehabilitation Program is cut by $95 million, more than twice the cut in this year's bill, despite a rapidly growing number of dams reaching the end of their useful lives across our country. Two years ago, the Natural Resource and Conservation Service had identified 1,450 dams in need of rehabilitation at a cost of about a half a billion dollars, $500 million. We have already spent that much money in the first half of July in Iraq, but we are not willing to spend that money here at home for infrastructure improvements.

While the bill does provide an increase of $20 million in discretionary funding, the cut in mandatory funding makes it much harder to meet identified needs. It is estimated there is a backlog of over $80 million just to finish projects currently under way, so funding on both the discretion and the mandatory sides are needed.

The bill eliminates the funding for rural firefighters. The bill eliminates all funding for the conservation security program. And in the Wetlands Reserve Program, so essential to assuring a healthy ecosystem, the bill cuts new enrollment in the program by a fifth, by 20 percent, which means that we will have so many fewer people who will be able to participate in a program that has a backlog of 736,000 acres.

In the EQIP Program, the bill reduces funding by $25 million; and that means that there will be 1,450 producers who will not be able to get EQIP funding this year.

In renewable energy, I think the bill is terribly ill-advised in zeroing out funding in a sector where America must restore her independence.

And in value-added grants, which the farm bill asked for, this bill zeros out support for the new jobs of the future that could be created across rural America.

In broadband loans for telecommunications, the bill eliminates all funding for this authorized program.

And for the initiative for future agriculture and food systems, the bill cuts $120 million from this competitive grant program which is designed to do research in critical areas such as genomics, food safety, food technology, human nutrition, new and alternative uses and production of agricultural commodities and products, agricultural biotechnology, where so much of our future lies and the world's future, natural resource management, including precision agriculture, and farm efficiency and profitability.

Other shortcomings in the bill I will quickly mention. Country-of-origin labeling. The bill prevents the implementation of origin labels for meat and meat products. This is a basic consumer right-to-know issue which the House unanimously supported when it instructed its conferees on the farm bill to support country-of-origin labeling for both meat and perishable products.

In terms of the provisions for meatpacker audits, the administration asked Congress for $1 million for the Grain Inspection, Packers and Stockyards Administration to audit the four largest steer and heifer meatpackers for compliance with that act. This might sound routine, but it is not. This would be the first time in the 82-year history of the Packers and Stockyards Act that the agency has required a large packer audit, but the bill conveniently does not provide the funding. Gosh, I wonder why.

And then in the food safety and inspection provisions, the bill provides about $12 million less than requested for the Food Safety and Inspection Service.

In terms of research, and this is really the seed corn for the future, the bill provides only half of the funding for the upgrading of security at our agricultural research labs.

In addition to that, the Cooperative Research Education and Extension Service, overall funding is over the request of the administration but $22 million lower than this year's level. As a result, many important research institutions and activities, including our 1890 and 1994 institutions, are shortchanged. In addition, at least 95 Members of this House of both parties asked for a 5 percent increase in these research formula funds, but the bill does not provide this.

Many Members also asked for $200 million for funding the national research initiative, but the bill provides only $149 million.

The Economic Research Service and National Agricultural Statistics Service would receive almost $12 million less than requested, forcing the postponement of important initiatives such as genomics research and improvement of statistical information in our New England States, Hawaii and Alaska.

In concluding these opening remarks, I would just like to summarize by saying that budgets reveal priorities. This year we are seeing that the Republican Party in this House is willing to put huge tax breaks for the most well-off in our society and also military action around the world ahead of almost every other economic and social value in our country. Rural America needs to have market-oriented incentives, not dole for farmers from coast to coast. This bill is an important answer to the situation confronting our Nation in one of the most vital sectors of our economy, and we should not shortchange the future by the underinvestment that this bill represents.

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

□ 1230

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

Ms. KAPTUR. Mr. Chairman, I yield 6 minutes to the very distinguished gentleman from Wisconsin (Mr. OBEY), ranking member of our full committee.

Mr. OBEY. Mr. Chairman, frankly, this bill is a mixed bag. We have a number of items in this bill that I support; but as is the case with so many other appropriations this year, our ability to do many things to help strengthen the economy of rural America is substantially crippled by the fact that our majority friends in this House have already decided to put all of their eggs in the tax cut basket, and that means that there is very little available for a variety of other activities whether we are talking about education or health care or in the case of this bill whether we are talking about rural sewer and water grants, rural development programs, FDA, name it.

I am distressed by some of these reductions. The gentlewoman from Ohio has already mentioned them. But just as examples, I would again cite inadequate funding for farm loans, for rural development, for rural water and sewer, for distance learning and telemedicine. We have $540 million in limitation on mandatory programs, and there are a number of other items.

But I would like to address just two other points. Number one, I am distressed that this bill contains language which prevents labeling for meat, country-of-origin labeling. I think our domestic producers have a right to be able to communicate to our domestic consumers whether or not food products are produced in this country or somewhere else. I think our consumers have a right to know that information, and I think that very clearly our special interests have weighed in and seen to it that this House will not do its duty to the public by preserving that labeling.

Secondly, I would like to discuss for a moment the amendment which purports to allow the reimportation of drugs into this country by senior citizens and some others. That is a well-meaning amendment, I will grant, and in the past I have been tempted on some occasions to support it myself. But I would simply point out that I think that this amendment is not likely to produce the effect that some would hope. First of all, the law requires that for a drug to be reimported it has to meet certain standards, and the problem is that our domestic pharmaceutical companies are very clever, and they can find hundreds of ways to prevent those drugs from meeting reimportation standards. They can prevent the use of a label which would meet U.S. standards and, therefore, prevent reimportation of a drug.

They can omit language required in the U.S. on those labels as an easy way to prevent those drugs from being reimported. They can put a drug in a form that is not time released when it is provided in the United States that it be in a time-released form. And so there are many ways which the intent of this language can be frustrating.

Secondly, I do not believe that this provision will have any significant impact on overall drug prices still charged to American consumers. And there are a number of other reasons which I will not take the time of the House now to go into, which make it quite clear that while this proposal is aimed at enabling seniors to reimport those drugs, the fact is that our domestic manufacturers, I think, are going to easily frustrate this language.

So I would say to the Members to vote however they are going to vote on it. It is not going to have much effect. I respect the intention, but that is about it. But I would simply say that if we want to do something real on prescription drugs, we will simply pass an expanded reliable, adequate, affordable prescription drug benefit under Medicare so that none of our seniors are reduced to the necessity to drive to Canada every couple of months to get a supply. That is what this Congress would do if it was not owned lock, stock and barrel by the pharmaceutical industry on this issue, but unfortunately it is and so it will not. And we will be stuck with these very tepid alternatives to meaningful action.

Mr. Chairman, I thank the gentlewoman for yielding me this time.

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

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM), ranking member of the authorizing committee.

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the bill. I commend the chairwoman, the chairman of the subcommittee, and the full committee chairman for their work in a very difficult task. They were handed a very difficult situation in which they would take the amount of revenue available for the much-needed rural development, agricultural conservation issues and did the best they could under a very difficult situation. But I commend them for that action and look forward to working with them throughout the process to do as good a job for American agriculture that continues to feed the United States.

We have the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people than any other country in the world; and what we are about to debate today is what has contributed to that over the years. I urge the support of the bill.

Mr. Chairman, I rise in support of the bill.

Once again, legislation relating to agriculture policy demonstrates the progress that can be made when a broadly-inclusive, bipartisan approach is taken towards solving national problems.

America's farmers and ranchers continue to struggle to survive as they face the global market. But while particular problem areas continue to plague the agricultural economy, overall there is reason for optimism that recovery in the farm and ranch sector is taking hold.

The Agriculture Department's Economic Research Service recently forecast that 2003 net farm income will be $46.2 billion; this is significantly higher than 2002, with both crop and livestock receipts predicted to increase. The 2002 Farm Bill—which was developed on a bipartisan basis, passed overwhelmingly in both Houses, and signed by the President—is part of the story for this improvement.

Mr. Chairman, this view of recovery in agriculture has to be qualified to a significant degree, however. Milk, livestock, and many crop prices have not recovered to the degree that would allow producers to resume significant capital investments. Also, much of the improvement shown in the net farm income figure is attributable to timing changes associated with programs enacted by last year's Farm Bill. And, of course, the rural economy continually must adjust to the rapid consolidation that continues to occur in farming and

ranching. And while these statistics demonstrate that conditions have improved for some of agriculture, many producers still find themselves faced with very difficult financial conditions.

So while total victory can't be claimed, I stress the point that inclusive development of agricultural policy has led to more optimistic conditions for the agricultural economy. Perhaps a similar approach to general economic policy would remove some of the doubt that clouds prospects for our economy in general.

Mr. Chairman, this partial improvement in the agricultural economy has been noticed in the cities. On June 16, the Wall Street Journal reported that the farm economy "is in recovery and moving toward strength." The article discusses the very difficult times that have afflicted agriculture for the last five years, and cites rising commodity prices, a devalued dollar, improved weather, and resurgent imports as reasons to be bullish for agriculture.

But the article also makes it clear why the cities are taking note: the improving situation is a key factor behind improved economic conditions in middle America—which is recovering more quickly than the rest of the nation. I'll quote from the article: "While farmers by themselves are a tiny part of the economy, they have a broad impact on it. The industries that sell to farmers and use farm products account for 12.3 percent of the country's gross domestic product and 16.7 percent of jobs, according to the Agriculture Department."

Mr. Chairman, the Wall Street Journal and many other big city newspapers criticized the Farm Bill when it was passed. But if they read their own pages today, they'll see that this country has made a wise investment, and that the returns go well beyond the farmstead.

Mr. Chairman, the bill before the House today provides the funding needed to implement the farm bill's programs. These include the commodity income support programs, the greatest expansion in farm conservation spending in our history, the Food Stamp program, and foreign food aid. It also funds important research efforts—investments in our nation's future; crucial pest and disease eradication programs, and rural economic development.

Mr. Chairman, fiscally speaking these are tough times and the Appropriations Committee labored under very tight constraints in the development of this bill. While being diligent and confining themselves to their allocation, they have struck a responsible balance among the competing priorities. I congratulate Mr. BONILLA and Ms. KAPTUR, Chairman YOUNG and my colleague from Wisconsin (Mr. OBEY), and I urge my colleagues to support the bill.

Mr. UDALL of Colorado. Mr. Chairman, today, I regretfully rise in opposition to this bill.

I did not support the Farm Security Act that was signed into law last year. But now that it has been signed into law it should be properly funded and this bill does not do that.

In fact, some good programs are no longer funded under this bill, including the Renewable Energy Systems and Energy Improvements program and the Conservation Security Program. Not funding these programs steers our agriculture policy in the wrong direction.

The Renewable Energy Systems and Energy Improvements would help farmers improve energy efficiency and even sell back energy created on their farms. This program would help farmers become more profitable as the margins on their commodities get smaller. But this program, which was supported by Congress last year, is zeroed out.

The Conservation Security Program has provided an incentive program for farmers to improve the ecological management of working lands. This program rewarded farmers for taking proper care of their land to prevent erosion and to help keep the land fertile. This often means not maximizing the full profitability of the land during a growing season to ensure that the land will continue to be productive in the future. Again, this is a program that was supported by Congress last year but the Majority Party in the House has decided not to fund it.

There is a long list of other programs that are cut: From the Women, Infant, and Children program, which helps insure that young children and their mothers get the nutrition they need; to Farm Ownership Loans, which help farmers and ranchers buy their own facilities; to the Rural Housing Service, which helps rural residents obtain adequate and affordable housing; and the list goes on and on.

The annual Agriculture Appropriation Bill often is not very controversial and I have supported it in the past. But this year's bill will hurt America's farmers and ranchers because it doesn't provide the funding needed. This is particularly true for those farmers and ranchers who are still reeling from the effects of drought.

There are a lot of critical programs that are funded in this bill and I would like to support the bill, but on balance it does not do enough and therefore I cannot.

Ms. KAPTUR. Mr. Chairman, I would like to submit the testimony of Wenonah Hauter of Public Citizen before the House Agriculture Appropriations Subcommittee. This testimony was inadvertently omitted from the printed hearings of the Subcommittee.

TESTIMONY OF WENONAH HAUTER DIRECTOR OF THE CRITICAL MASS ENERGY AND ENVIRONMENT PROGRAM PUBLIC CITIZEN

Chairman Bonilla, Ranking Member Kaptur and Members of the Subcommittee, my name is Wenonah Hauter. I am the Director of Public Citizen's Critical Mass Energy and Environment Program. As you know, Public Citizen is a national consumer organization founded by Ralph Nader in 1971. We represent 150,000 members. We welcome this opportunity to present our views on the FY 2004 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill.

USDA—FOOD SAFETY AND INSPECTION SERVICE (FSIS)

We are adamantly opposed to the Administration's proposal to collect $122 million in user fees to recover the cost of providing inspection services beyond an approved eight-hour primary shift. We believe that such a proposal could compromise the effectiveness of FSIS inspectors. Furthermore, FSIS has already taken action to de-list foreign establishments that had been previously approved to export their meat and poultry products to the United States on the basis that inspection services were paid by the companies involved instead of by the foreign government. Implementation of the Administration's proposal to institute user fees would be hypocritical.

Additionally, we are concerned that the current proposal to hire approximately 80 more FSIS inspectors will be inadequate to fill current vacancies and to make up for previous year's cuts. We recommend that at least 200 line inspectors be hired this year.

The alarming number and magnitude of meat and poultry recalls in the past year indicate that there are some serious problems with the implementation of the Hazard Analysis Critical Control Points (HAACP) program. We have been arguing for the past three years that HACCP has turned over too much authority to industry to police itself and has severely undercut the ability of FSIS inspection personnel to their jobs. We have heard directly from inspection personnel who state that they are very confused and concerned over their roles in HAACP.

More troubling is the fact that the economic well-being of companies is placed ahead of the public's welfare by the management at FSIS. In June 2002, we were able to obtain instructions to FSIS inspectors assigned to a large Kansas slaughter plant in which they were admonished that should they err on the side of public health and stop a slaughter line for suspected fecal contamination they could be personally liable for their decision.

We are also concerned about the failure of supervisors and management to back up FSIS inspectors when they discover food safety hazards. Since last year's massive ConAgra recall, it has come to light that USDA was notified of potential problems at the Greeley, Colorado plant as early as February 2002—some three months before the first recall notice went out. Warnings came from John Munsell, president of Montana Quality Foods and Processing, after FSIS personnel assigned to his plant confirmed that the source of contaminated meat ground at Montana Quality Foods and Processing was the ConAgra plant in Greeley, Colorado. Instead of applauding Mr. Munsell and the FSIS personnel for their investigative work, they have been maligned by top FSIS officials and have been told they had no authority to point the finger at ConAgra.

The same can be said of the Wampler recall. A twenty-year veteran FSIS inspector, Vincent Erthal, had tried to warn his supervisors for several months of the unsanitary conditions at the Wampler plant in Franconia, Pennsylvania. His concerns went unheeded. This fall, the second largest recall in FSIS history was issued for possible Listeria monocytogenes contamination of product coming out of that plant. After much soul-searching, Mr. Erthal decided to come forward to reveal how his attempts to warn FSIS supervision of his concerns were thwarted. Again, instead of backing their own employee, FSIS management has circled the wagons and launched a campaign to discredit Mr. Erthal.

With all of the problems that FSIS has already experienced with their implementation of HAACP in processing plants, the proposed FY 2004 budget contains language that would expand the HACCP-based Inspection Models Project (HIMP) in slaughter facilities. HIMP is yet another attempt at weakening the authority of FSIS inspection personnel and turning that responsibility over to company personnel. In a December 17, 2001 report, staff from the General Accounting Office found glaring methodological deficiencies in FSIS' current pilot project. There has not been any evidence to show that those deficiencies have been addressed. Therefore, we would urge that this expansion of HIMP not go forward until all data from the current project has been evaluated.

While we applaud additional funds to support food safety education, we believe that the money will actually be used to promote irradiation. In her written remarks to the Subcommittee, Under Secretary for Food Safety Dr. Elsa Murano stated it was her intent to devote resources to educate the public about food irradiation. Her remarks also indicate that she will attempt to blur the

definition of pasteurization to include irradiation as part of the education campaign.

In focus groups conducted for FSIS in 2002, consumers in St. Louis, Missouri; Raleigh, North Carolina; and Philadelphia, Pennsylvania were asked whether they considered irradiation to be a form of pasteurization, and overwhelmingly consumers responded that making such an assertion would be misleading. Those findings corroborated findings from focus groups conducted for the Food and Drug Administration (FDA) in three different cities during the summer of 2001. We urge you not to fund any additional efforts to change labeling requirements for irradiated food by allowing ''pasteurization'' to be used.

Lastly, we are concerned about the recent revelations that FSIS still has not addressed problems identified by the USDA Inspector General (IG) regarding the agency's reinspection program for imported meat and poultry products. In 2000, the IG noted some 18 deficiencies in the FSIS reinspection program. In her recent audit, the IG stated that FSIS has still not corrected 14 of those deficiencies—even though they had agreed to do so three years ago. In light of the heightened concerns about the security of our food supply, this is unconscionable. We urge you to instruct FSIS to comply with the recommendations in the 2000 Inspector General report.

USDA—FOOD AND NUTRITION SERVICE/ AGRICULTURAL MARKETING SERVICE

The Farm Security and Rural Investment Act of 2002 (the Farm Bill) contains a provision (section 4201 (1)) that directs the Secretary of Agriculture not to prohibit the use of approved food safety technologies in any commodity purchased by the USDA for various government-sponsored nutrition programs, including the National School Lunch and National Breakfast Programs. The USDA has decided this means that they should lift the current ban on the use of irradiation as an intervention for ground beef products purchased for these programs. And, it seems irradiation is the only approved food safety technology they are pursuing.

Section 4201(l) received no scrutiny from any congressional committee, in either the House or Senate. It never received any floor debate in either the House or Senate. It was placed in the Senate version of the Farm Bill at the last minute as part of a 400-page manager's amendment. The conferees on the Farm Bill never even discussed it in open session.

On November 22, 2002, the USDA announced that it would solicit comments from the public on the implementation of Section 4201(l) of the Farm Bill and specifically wanted comments on irradiation. The comments are being collected by the Agricultural Marketing Service (AMS). Of the comments posted on the AMS website as of March 19, 2003, by over a 5 to 1 margin, citizens have expressed their opposition to lifting the ban on irradiation—with thousands of comments still left to be posted. Comments opposing such action have come from nearly all fifty states, while those supporting the technology have come primarily from those who have direct ties to the irradiation industry.

In order to promote this technology, the Food and Nutrition Service (FNS) has funded an irradiation ''education'' program in three Minnesota school districts. The program is being administered by proponents of irradiation—with no access for critics of the technology to present alternative views. In addition, the steering committee for the program is dominated by one irradiation company and its affiliates. In essence, FNS is funding a government-sponsored advertising campaign for one company.

Recent research indicates that some chemicals formed when certain foods are irradiated may be harmful when consumed. The new studies call into question the long-held position of the FDA and the food industry that irradiated foods are generally safe for human consumption. But the studies confirm research published in 1998 and 2001 showing that concentrations of chemicals called 2-alkylcyclobutanones (or 2–ACBs)—which are found only in irradiated foods—caused DNA damage in human cells. Among the new findings, 2–ACBs were shown to promote tumor development in rat colons. The 2–ACBs are formed when foods that contain fat are irradiated, such as beef, chicken, eggs and certain fruits—all of which can legally be irradiated.

There is even less research into the long-term health effects experienced by children who are exposed to toxic chemicals in foods. Dr. William Au, a toxicologist at the Department of Preventive Medicine and Community Health, University of Texas Medical Branch in Galveston, has argued that the lack of understanding regarding the ill effects suffered by children who consume toxic chemicals in foods extends to ''the toxicological risk with respect to eating irradiated food.''

If implemented, Section 4201 (1) will create the largest mass-feeding of irradiated food to children in history. We urge the committee not to fund the purchase of irradiated food for federal government nutrition programs.

FOOD AND DRUG ADMINISTRATION

We are concerned about the lack of funding for the Food and Drug Administration (FDA) for import reinspections. Even after the additional funding the agency received in FY 2003 to hire more staff to perform food import reinspections, the agency is only capable of reinspecting a paltry 1.3 percent of imported food over which it has jurisdiction. This needs to be addressed with additional funding, with the goal of reaching at least the 20 percent reinspection rate that FSIS is able to perform for imported meat and poultry products. Furthermore, FDA should be granted the same authority that FSIS currently possesses to inspect foreign establishments that can export their food to the United States.

We are also concerned with the repeated attempts to weaken the labeling for irradiated foods. The FDA has visited this issue repeatedly since 1997—primarily at the direction of Congress. Each time, the FDA finds that consumers do not see eye-to-eye on this issue with the irradiation industry and their supporters in Congress. It seems that there are those who want to keep on trying until we get it wrong.

In the conference committee report that accompanied the FY 2001 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, the conferees stated: ''The conferees expect FDA to make final the regulations regarding labeling of irradiated foods by March 1, 2002, and report to the House and Senate Committees on Appropriations on the status by November 15, 2000. This agreement changes the dates proposed for final regulations by the House of September 30, 2001, and by the Senate of October 30, 2001.''

In its report to the Appropriations Committees, the FDA explained that it had published an Advanced Notice for Proposed Rulemaking (ANPR) in 1999 on food irradiation labeling as the agency was directed to do under the FDA Modernization Act conference committee report in 1997. In evaluating the comments that the agency received from the ANPR, FDA stated: ''The majority of these comments were letters that urged the agency to retain special labeling for irradiated foods but did not address the specific issues on which FDA requested comment. A preliminary analysis of the comments suggests no consensus about what alternative language for disclosure of irradiation processing would be truthful and not misleading. Because the public comments provided no clear direction for agency rulemaking, FDA believes that 1999 ANPR fulfills the Agency's obligations under the FDAMA Conference Report.''

The FDA went on to say in its report to Congress that it intended to impanel consumer focus groups to attempt to obtain further guidance on the labeling issue.

During the summer of 2001, the FDA commissioned six consumer focus groups in suburban Washington, DC; Minneapolis, Minnesota; and Sacramento, California. In all of the focus groups, the moderator attempted to make a strong association between pasteurization and irradiation. This was significant since there have been some irradiation proponents who have argued that a more appropriate term to describe irradiation is either ''cold pasteurization'' or ''electronic pasteurization.'' In a 2002 report to Congress, the FDA summarized the results of those focus groups: ''Most of the participants viewed alternate terms such as 'cold pasteurization' and 'electronic pasteurization' as misleading, because they appeared to conceal rather than disclose information about irradiated food products. Participants did not see the current disclosure labeling as a warning . . . Everyone agreed that irradiated foods should be labeled honestly. They indicated that the current FDA required statement is a straightforward way for labeling irradiated foods.''

Furthermore, in his 2002 testimony before the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations, Dr. Lester Crawford, Deputy Commissioner of the FDA stated: ''(W)hen we did focus groups at FDA on cold pasteurization, the general feeling of the average citizen was that this was kind of a ruse or a means to conceal the fact that the food had been irradiated. And so we are kind of back to square one. We don't have a good synonym for irradiation and we would like to have one. We don't want to mislead the public.''

The public has been very consistent on the issue—in focus groups for USDA and FDA and in public comments solicited by FDA. Consumers do not want labeling rules for irradiated food to allow euphemisms like ''electronic pasteurization.'' In fact, rather than changing the words that are permitted to describe irradiated food, FDA should instead focus on expanding the current rules beyond retail establishments, so that irradiated food served in restaurants, hospitals and schools must be labeled. There have already been too many resources devoted to this issue within FDA. The driving force ought to be what the consumers believe to be honest and straightforward labeling—not what some in industry think will make it easier to sell their product. The FDA has more important things to do than devising ways to confuse and mislead consumers. We urge you not to find further attempts to change labeling rules for irradiated foods.

Thank you.

Mr. LIPINSKI. Mr. Chairman, I regret that I was unable to be here during debate on the Agriculture Appropriations bill. Had I been available, I would have engaged Congresswoman KAPTUR, the ranking member on the House Appropriations Agriculture Subcommittee, in a colloquy to discuss research on chronic wasting disease transmission.

Chronic wasting disease is spreading into Illinois. The emergence of this disease in Cook

County is the closest the disease has come to a large urban population. While this disease has yet to be detected in humans, little is known about how chronic wasting disease is transmitted from species to species. Illinois is fortunate to have unique multidisciplinary research collaborations, such as the Conservation Medicine Center of Chicago (CMCC), positioned to conduct important chronic wasting disease transmission research. The CMCC is a unique collaboration between Brookfield Zoo, Loyola University Chicago Stritch School of Medicine, and the University of Illinois College of Veterinary Medicine. The CMCC brings together an exceptional team of nearly twenty-five physicians, veterinarians, researchers and clinicians from many disciplines to study conservation medicine.

Chronic wasting disease is a growing problem across the country and the Committee has included funds for chronic wasting disease research in the Department of Agriculture's budget. I would like to urge the Department to utilize unique multidisciplinary research collaborations, such as the CMCC, to study this emerging disease and its transmission.

Mr. KIND. Mr. Chairman, to a farmer, 'erosion' is the progressive loss of some of the best means to robust and sustained production from their lands. It is one of the most expensive and difficult problems threatening their liveliehood—but, fortunately, it is a loss many farmers prevent by enrolling some of their marginal working lands in voluntary conservation programs.

Now, Mr. Chairman, I mention this because of the cynical irony at hand—today, it is Congress that must act to prevent another form of 'erosion', the erosion of legislation this Congress passed with great debate just one year ago—the 2002 Farm Bill.

At the time, I led an effort to increase funding to conservation programs that are available to all farmers because I strongly believed the 2002 Farm Bill to be too heavily weighted to primarily assisting the largest growers of a few commodity crops in a handful of states. Because of this lopsided tilt toward commodity subsidization, many who are not eligible—including dairy farmers, ranchers and fruit and vegetable farmers—rely upon conservation programs to boost farm and ranch income and to ease the cost of environmental compliance.

I argued that a small shift in funds from the commodity programs to voluntary conservation programs would significantly help more farmers in more regions of the country. At the end of the debate, conservation programs made some gains, though not all that I had sought.

The Farm Bill provided nearly $3 billion for USDA conservation programs in FY 2004, including $1.1 billion for working lands incentives programs like the Environmental Quality Incentives program, the Wildlife Habitat Incentives Program, and the Conservation Security Program.

The point, however, is that the 2002 Farm Bill was the end product of vociferous debate and was the culmination of all Members' input.

Unfortunately, the FY 2004 Agriculture Appropriations bill before us today undermines all of those efforts by rewriting the Farm Bill to reduce these critical working lands incentive programs by nearly 10 percent. Make no mistake, if passed, this bill will do nothing less than deny farmers and ranchers the funds they were promised.

The fiscal year 2004 Agricultural Appropriations bill before us today is supposed to provide the resources needed to help America's struggling farmers and ranchers—not go back and begin chipping away at pieces of the Farm Bill to better suit the view of a few appropriators. Yet, this is exactly what has happened. In total this Appropriation Bill seeks to eliminate more than $100 million from conservation and renewable energy programs that has been authorized under the 2002 Farm Bill.

Farmers and ranchers who depend upon these programs, and who have been hit hardest financially in recent years, will receive a disproportionately large cut in spending in FY 2004. In contrast, I am disappointed to note that no cuts have been proposed to commodity payments flowing to the largest grain farmers in just 15 states.

Specifically, sections 737, 738 and 745 of the underlying bill will respectively limit the enrollment of the Wetlands Reserve program by slashing 50,000 acres, or about $56 million from its authorized level; cut $25 million from the Environmental Quality Incentive program; and totally gut the Conservation Security program.

Despite the funds provided by the Farm Bill, most farmers and ranchers offering to restore wetlands and grasslands or offering to change the way they farm to improve air and water quality are still rejected when they seek USDA conservation assistance. For example, farmers and ranchers face a $1.4 billion backlog when they seek cost-sharing from the Environmental Quality Incentives program to improve water quality or wildlife habitat. These long lines will only grow longer if cut funds provided by the Farm Bill as has been proposed in the underlying bill.

WRP and EQIP are programs proven to assist farmers while helping the environment, and CSP holds equal promise.

Farmers have offered to restore most than 600,000 acres of lost wetlands by enrolling farmland into the wetlands reserve program. But, nearly all of these farmers will be rejected in FY 04, thanks in part to the cut included in this Appropriations Bill. These farmers are offering to restore more wetlands than the entire Nation destroys in a decade. Wetlands are not only crucial to wildlife and fish habitat but also to our own sources of drinking water. But the Agriculture Appropriations bill instead proposes to cut, rather than increase, funding to this crucial program.

Furthermore, Mr. Chairman, by providing more than $6.5 billion for working lands programs like EQIP and CSP in the 2002 Farm Bill, Congress decisively increased funds to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. EQUIP helps share the cost of a broad range of land management practices that help the environment, include more efficient use of fertilizers and pesticides and innovative technologies to store and reuse animal waste. CSP is a new program that will link conservation payments to gradually increasing levels of performance. In combination, these programs will provide farmers the tools and incentives they need to help meet our major environmental challenges.

Again, appropriators did not seek any cuts from the commodity programs, and it is these programs that the administration has identified as a barrier to successful negotiations in the World Trade Organzation as well as to the secure economic future of developing nations.

Mr. Chairman, President Bush recently toured the African Continent. In a New York Times article about the trip, the President is quoted on the topic of domestic agriculture subsidies as saying, ''. . . It will come up in every country we come to, because African leaders are worried that subsidies, agricultural subsidies, are undermining their capacity to become self-sufficient . . .''

And in recent testimony before the House Agriculture Committee, U.S. Trade Representative Robert Zoellick spoke about the need to ''Harmonize and reduce trade-distorting domestic support programs.''

The prior global negotiating effort—the Uruguay round (1986–1994)—was the first serious attempt to impose reforming disciplines on the world agricultural trade. Yet, the Uruguay round only started the job of tackling trade-distorting domestic subsidies by allocating them into three categories: ''green box'' subsidies, which involved payments decoupled from production incentives such as conservation programs; ''amber box'' subsidies, which includes payments linked to production, were capped at current levels and then cut by 20 percent and ''blue box'' subsidies, for payments linked to reductions in production, were allowed subject to specific criteria.

In his testimony before Congress, USTR Zoellick stated, ''The current 'DOHA Round' of negotiations seeks to build on the first step of the Uruguay round by pressing for much more substantial reductions to achieve a more levels playing field. To do so, the United States has proposed a cut of over $100 billion in trade-distorting support globally, undertaken in a manner that harmonizes levels across countries, with the eventual elimination of these subsidies all together.''

Mr. Chairman, as much as some appropriators and a few others in Congress may want to avoid the inevitable need to reform our domestic commodity support programs, it is equally unfortunate they have used this spending bill to erode our past work and break Congress's promise to America's farmers and ranchers.

I strongly urge my colleagues to oppose this misprioritized and shortsighted bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2673, the Agriculture appropriations bill for fiscal year 2004.

This Member would like to commend the distinguished gentleman from Texas (Mr. BONILLA), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee, for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the state of Nebraska.

First, this Member is pleased that H.R. 2673 provides $477,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA award grants for research projects on a peer review basis. These awards

must be supported by an industry partner willing to provide matching funds. In 2002, MAFMA had a total of 22 requests for funds seeking $789,995 with matching funds of $916,596. Thirteen proposals were funded with the total award of $387,688. Matching funds for the funded proposals were $416,702 in addition to an in-kind total of $97,550. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes $224,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country in recent years, this effort is obviously important.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the Committee Report expresses support for a number of Watershed and Flood Prevention Operations projects, including the Aowa Creek Watershed in Dixon County, Nebraska. When completed, the project will significantly reduce the risk of flooding to farms, roads, and community of Ponca, Nebraska. This important flood control project is nearing completion, but lacks sufficient funding to reimburse the local sponsor.

This Member would also note that H.R. 2673 includes a loan level of $100 million for the Section 538, the rural rental multi-family housing loan guarantee program. Under H.R. 2763, it is estimated that a loan subsidy of $5.95 million will be needed to meet this loan level. The Section 538 program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100 percent Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member certainly appreciates the $2.725 billion loan level for the Department of Agriculture's Section 502 Unsubsidized Loan Guarantee Program. Under H.R. 2763, it is estimated that a loan subsidy of $39.9 million will be needed to meet this loan level. The Section 502 program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 2673 and urges his colleagues to approve it.

Mr. MCGOVERN. Mr. Chairman, hunger is a terrible problem in the United States and around the world.

It's a problem that affects over 20 million adults and 13 million children right here in this country. They're our seniors, our veterans, our neighbors, working parents and their children.

And around the world, 800 million people—300 million of them children—go hungry every day.

I believe that hunger is a political condition.

The fact is that we have the resources to commit to ending hunger both at home and abroad. We have the technology, the expertise, the funding. What we lack is the political will to put an end to this scourge.

Currently, the unemployment rate is at 6.4% and growing. The demands on our community food banks and soup kitchens are becoming more than they can handle.

Government is about choices.

This Congress and this Administration have chosen over and over again to support tax cuts for the wealthy over prudent policies to help lift Americans out of poverty and to end hunger among the 33 million Americans who need our help.

Today, we are considering a Fiscal Year 2004 Agriculture Appropriations bill that dramatically underfunds programs that combat hunger here and abroad.

This Temporary Emergency Food Assistance Program, a key source of funding for food banks, is underfunded by $10 million.

The Women, Infants and Children program that provides assistance to infants, young children and pregnant, postpartum, and nursing women who are at-risk because of inadequate nutrition and income is $108 million below the Fiscal Year 2003 level. Although the Committee acknowledged that food prices were lower than expected, many of us have real concerns that a reduction in WIC funding—coupled with a continuing rise in unemployment—is a formula for tragedy.

The Senior Farmers Market Nutrition program is flat funded, even though the number of applications continues to outpace the availability of funds for this critical effort.

And if that weren't enough, Mr. Chairman, the funding levels in this bill for international food aid are completely inadequate.

P.L. 480, Title II funding—money that goes for humanitarian food aid—is more than $620 million below the Fiscal Year 2003 level.

And a program that I have been championing since its inception—the McGovern-Dole International Food for Education and Child Nutrition—is funded at $57 million. This is a $43 million decrease from last year and a $243 million drop from the funding provided to the initial pilot program.

The American economy, once vibrant, is struggling. Millions of Americans have lost their jobs, and incomes for many others are falling as they are forced to take lower-paying jobs to avoid unemployment.

One in five children in this country is threatened by hunger.

Every day, Mr. Chairman, 33 million Americans do not know whether there will be food on their tables. Overseas, people are starving to death because of famine, drought, war and poverty.

Mr. Chairman, I understand the difficulties the Chairman of the Agriculture Appropriations Subcommittee faced in drafting this bill. I'm sure that, given more resources, he would provide better funding levels for these important programs.

But the fact remains that the numbers in this bill are too low to meet the challenges of hunger. The last thing we should be doing is cutting funding for programs that serve the most vulnerable.

We can and we must do better.

Mr. FALEOMAVAEGA. Mr. Chairman, I would like to thank Chairman BONILLA and Ranking Member KAPTUR for their support regarding the Resident Instruction and Distance Education Grants Program for the Insular Areas. Last year's Farm Security and Rural Investment Act authorized this program with intent to develop and strengthen the land grant universities in the U.S. territories.

The American Samoa Community College has a strong and growing agricultural program which would benefit from this program. As insular areas members we support each other in this effort to fund this program which would provide the necessary teaching and instruction needed to educate our local people about health and diet education, environmental management and how best to utilize our natural resources.

At this time, I want to thank Chairman BONILLA and Ranking Member KAPTUR for their continued support and I once again recommend inclusion of report language which acknowledges the need for funding of this critical program.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2673, the Agriculture and Related Agencies Appropriations Act for Fiscal Year 2004. As a representative from Iowa with an economy heavily dependent on farming and farm-related businesses, I have a keen interest in this legislation which funds many of our agricultural research, food safety, and export promotion programs. As Chairman of the House Budget Committee, I am also interested in ensuring that this bill complies with the House Concurrent Resolution on the Budget for fiscal year 2004 [H. Con. Res. 95].

The bill provides $17 billion in new discretionary budget authority—$221 million above the President's request. While H.R. 2673 falls within its budgetary allocation, I would point out that the bill includes $538 million in mandatory savings, which are under the jurisdiction of the Agriculture Committee.

Overall, funding for agriculture appropriations has increased at an annual rate of 3.2 percent over the last five years. This rate is 4.5 percent below that of discretionary spending as a whole. I commend Chairman BONILLA and Ranking Member KAPTUR for their ability to work to produce a fiscally responsible bill.

The bill complies with sections 302(f) and 311(a) of the Budget Act. The first of these prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution. The second, section 311(a), prohibits consideration of legislation exceeding the aggregate levels of budget authority and outlays established in the concurrent resolution on the budget.

In conclusion, I express my support for H.R. 2673, which makes an important contribution to ensuring that Americans continue to have the most abundant, inexpensive, and safest food supply in the world. I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I rise in support of this Fiscal Year 2004 Agriculture Funding measure because it represents a good product under difficult circumstances. As we all know, this bill is not perfect—in large part because the allocation for Fiscal Year 2004 is considerably less than last year—some $800 million, in fact.

Because of the drop-off between the FY–03 allocation and the one for 04, the committee has to make difficult choices in order to accommodate the various sectors that are funded in the bill. While we are going to hear today that this bill short changes many areas, we should consider that the bill has many positives because it does.

Even with reduced resources, many important programs are well-funded. For example, funding for the FDA's generic drug program is increased, as is FDA funding for food safety. The bill includes monies to implement the ''Better Pharmaceuticals for Children Act''.

This bill also includes funding for valuable agriculture research that is currently carried out at major research centers. That research includes exploring better ways to make our agricultural production lands more efficient, and our ways of production more environmentally sound. For example, there is funding for animal feeding operations pilot projects that bring innovative technology to bear as we seek to reduce wastewater nutrients discharged from animal feeding operations.

Other research funding goes to helping us to better understand the origins of food crop diseases through high-level initiatives aimed at making our food production more economical and more healthy. Countless projects around the country will make significant strides in the research arena in the coming year because of this bill.

Many of those projects are in the states of some of the members who will speak ill of this measure today. But we should remember that those important research initiatives would not have been possible were it for the measured approach taken in reporting this bill of committee.

Not only did the committee have to make difficult program funding choices, but it also had to make choices to accomodate members of this body. At a point in the process, decisions had to be made, and I believe that the chairman did an excellent job in balancing the various needs and interests of the agriculture community and the members.

As a member of the subcommittee from an agriculture state, I can tell you that there are several things that I would like to have seen come out differently, particularly as to funding levels.

As a member of the agriculture subcommittee on appropriations, I can also tell you that all of us can point to things that we would like to have seen come out differently. In the end however, a good product has been fashioned, and I urge you to support it.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2673

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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $3,468,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $8,716,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,670,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $7,749,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $14,993,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and the Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided,* That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,785,000: *Provided,* That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further,* That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $397,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $678,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, as follows: for payments to the General Services Administration, $124,332,000, for buildings operations and maintenance, $32,559,000, to remain available until expended: *Provided,* That not to exceed 5 percent of amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of new or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,713,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $38,592,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,796,000: *Provided,* That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further,* That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of

Congress on the allocation of these funds by USDA agency: *Provided further,* That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,245,000: *Provided,* That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $77,314,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses as well as the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $34,700,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education, and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $597,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $71,402,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $129,800,000, of which up to $25,279,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,014,000,000: *Provided,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further,* That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further,* That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $35,900,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $594,772,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State College (7 U.S.C. 3222), $36,000,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $101,241,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,194,000; for competitive research grants (7 U.S.C. 450i(b)), $149,248,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,065,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,188,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $998,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,222,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,888,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $992,000, to remain available until expended; for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $4,073,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $994,000; for aquaculture grants (7 U.S.C. 3322), $3,996,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,661,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State College, $9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,689,000; and for necessary expenses of Research and Education Activities, $36,815,000.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided,* That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $9,000,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $438,242,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,185,000; payments for the pest management program under section 3(d) of the Act, $10,689,000; payments for the farm safety program under section 3(d) of the Act, $5,489,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State College, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $13,500,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,426,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $496,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,983,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,843,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State College, $31,908,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of extension activities, $19,417,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses,

$62,942,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,942,000, including $12,887,000 for the water quality program, $14,870,000 for the food safety program, $4,501,000 for the regional pest management centers program, $4,857,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,487,000 for the crops affected by Food Quality Protection Act implementation, $3,229,000 for the methyl bromide transition program, and $2,111,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $2,000,000, including $497,000, to remain available until September 30, 2005 for the critical issues program, and $1,503,000 for the regional rural development centers program; and $16,000,000 for the homeland security program authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2005.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,470,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $725,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $725,502,000, of which $4,139,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $51,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2004, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,953,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,577,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $15,392,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,690,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $599,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $785,261,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $636,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,016,836,000: *Provided*, That the Secretary of Agriculture is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided*

further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,974,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,083,143,000, of which $950,000,000 shall be for guaranteed loans and $133,143,000 shall be for direct loans; operating loans, $2,200,440,000, of which $1,330,000,000 shall be for unsubsidized guaranteed loans, $252,937,000 shall be for subsidized guaranteed loans and $617,503,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,000,000; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $34,528,000, of which $5,130,000 shall be for guaranteed loans, and $29,398,000 shall be for direct loans; operating loans, $165,633,000, of which $44,289,000 shall be for unsubsidized guaranteed loans, $32,300,000 shall be for subsidized guaranteed loans, and $89,044,000 shall be for direct loans.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $298,136,000, of which $290,136,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $71,509,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $745,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $850,004,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $9,215,000 is for snow survey and water forecasting, and not less than $11,722,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $11,124,000: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $90,000,000, to remain available until expended of which up to $10,000,000 shall be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $40,000,000 of this appropriation shall be made available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That the amount of federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation: *Provided further*, That consistent with existing statute, rehabilitation assistance provided may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act, as amended, (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32(l) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $52,894,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)): *Provided further*, That a cooperative or contribution agreement with a national association regarding a Resource Conservation and Development program shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,504,300, the same amount as in the budget, shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $636,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $706,006,000, to remain available until expended, of which $27,000,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $605,006,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $74,000,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $13,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,465,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs and not to exceed $13,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $22,132,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,000,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,582,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,550,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $146,495,000: *Provided*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,091,634,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,366,462,000 shall be for direct loans, and of which not more than $2,725,172,000 shall be for unsubsidized guaranteed loans; $35,003,000 for section 504 housing repair loans; $116,545,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $165,921,000, of which $126,018,000 shall be for direct loans, and of which $39,903,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,612,000; section 515 rental housing, $50,126,000 of which $20,086,400 shall be for repair and rehabilitation, and $30,039,600 shall be for new construction; section 538 multi-family housing guaranteed loans, $5,950,000; multi-family credit sales of acquired property, $663,000; and section 523 self-help housing land development loans, $154,000: *Provided*, That of the total amount appropriated in this paragraph, $7,100,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $447,151,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $731,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a 5–year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,772,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $42,222,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,800,000 shall be available through June 30, 2004, for authorized empowerment zones and enterprise communities and communities designated by the

Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $36,307,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $17,308,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2004, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2004, for Mississippi Delta Region counties (as defined by Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $2,447,000 shall be available through June 30, 2004, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,283,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $16,120,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,000,000.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $3,000,000 shall not be obligated and $3,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $13,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers, of which not to exceed $500,000 shall be for cooperative research agreements; and of which not to exceed $4,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $10,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RENEWABLE ENERGY PROGRAM

For the cost of direct loans and grants, as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $3,000,000 for direct renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $240,000,000; municipal rate rural electric loans, $1,000,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,000,000,000; Treasury rate direct electric loans, $750,000,000; 5 percent rural telecommunication loans, $145,000,000; cost of money rural telecommunication loans, $300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunication loans, $120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $60,000, and the cost of telecommunication loans, $125,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,166,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to carry out the loan programs and continue to service existing loans, $3,182,000, to be derived by transfer from the shareholder's equity, contained in the unobligated balances in the Rural Telephone Bank Liquidating Account, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $300,000,000; and for the principal amount of broadband telecommunication loans, $336,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,000,000, to remain available until expended.

For the cost of direct and guaranteed broadband loans, as authorized by 7 U.S.C. 901, et seq., $9,116,000: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $8,000,000, to remain available until expended, for a grant program to finance broadband transmission in areas that meet the definition of ''rural area'' used for the Broadband Loan Program authorized by 7 U.S.C. 901.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $11,418,441,000, to remain available through September 30, 2005, of which $6,718,780,000 is hereby appropriated and $4,699,661,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, that $6,000,000 shall be available for the Food and Nutrition Service to conduct a study of certification error and its effect on expenditures in the National School Lunch and School Breakfast Programs and an assessment of the feasibility of using income data matching in those Programs: *Provided further*, that except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,588,310,000, to remain available through September 30, 2005, of which $20,000,000 shall be for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A); $25,000,000 shall be for a management information system initiative; and $25,000,000, to remain available until expended, shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: *Provided*, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): *Provided further*, That notwithstanding section 17(g)(5) of such Act, $4,000,000 shall be available for pilot projects to prevent childhood obesity: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $27,745,981,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985; and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $166,072,000, to remain available through September 30, 2005: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,512,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $7,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $133,924,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $103,887,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $4,041,000, of which $1,066,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $2,975,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $28,000,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,192,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $56,874,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,312,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,327,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $985,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,668,249,000: *Provided*, That of the amount provided under this heading, $249,825,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended, and $29,190,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug and medical device applications received during fiscal year 2004 shall be subject to the fiscal year 2004 limitation: *Provided further*, That any prescription drug or medical device user fee collected in fiscal year 2004 that exceeds this limitation shall be credited to this account and remain available until expended, in accordance with 21 U.S.C. 379h(g)(4) and 379j(h)(4): *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $412,462,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $478,650,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $168,836,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $84,646,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $209,285,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $39,887,000 shall be for the National Center for Toxicological Research; (7) $40,851,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) $119,795,000 shall be for payments to the General Services Administration for rent; and (9) $113,837,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $6,000,000 to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act

(7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $88,435,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,900,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 398 passenger motor vehicles, of which 396 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided,* That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further,* That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. 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. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided,* That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, the Rural Housing Insurance Fund program account, and the Rural Economic Development Loans program account.

SEC. 713. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 714. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 715. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 716. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 717. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 718. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 719. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees

on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 720. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 721. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2005 appropriations Act.

SEC. 722. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 723. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–171 (2 U.S.C. 1161).

SEC. 724. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 725. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking ''$26,499,000'' and inserting ''$26,998,000''.

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Ditch 26 project in Arkansas.

SEC. 727. Notwithstanding any other provision of law, the Secretary shall consider the County of Lawrence, Ohio; the City of Havelock, North Carolina; the City of Portsmouth, Ohio; the City of Atascadero, California; the City of Binghamton, New York; the Town of Vestal, New York; the City of Ithaca, New York; the City of Casa Grande, Arizona; and the City of Clarksdale, Mississippi, as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Kress Creek Watershed Plan, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,600,000 and Rockhouse Creek Watershed, Leslie County, Kentucky, not to exceed $1,000,000.

SEC. 729. 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 appropriation Act.

SEC. 730. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 731. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 732. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out the Rural Strategic Investment Program authorized by subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7) in excess of $2,000,000.

SEC. 733. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out the Rural Firefighters and Emergency Personnel Grant Program authorized by section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 734. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of sections 7404(a)(1) and 7404(c)(1) of Public Law 107–171.

SEC. 735. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by FDIC or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the U.S. Treasury.

SEC. 736. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 737. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 200,000 acres in the calendar year 2004 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 738. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $975,000,000.

SEC. 739. The Administrator of the Agricultural Research Service may make available by outlease agreements with other Federal agencies or non-Federal public or private entities any unused or underused portion or interest of or interest in any agency real and related personal property, and may retain and use the proceeds of such agreements in carrying out the programs of the agency. Property proposed for outlease must not be property otherwise required to be reported excess under the Federal Property and Administrative Services Act of 1949, as amended. Outleases shall be made competitively, and be based on the fair market value of the property.

SEC. 740. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 9006 of Public Law 107–171, the Farm Security and Rural Investment Act of 2002.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6103 of Public Law 107–171.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6401 of Public Law 107–171, the Farm Security and Rural Investment Act of 2002.

SEC. 743. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

SEC. 744. Any unobligated balances in the Alternative Agricultural Research and Commercialization Revolving Fund are hereby rescinded.

SEC. 745. None of the funds appropriated or otherwise made available by this Act shall be used to carry out a Conservation Security Program authorized in section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)).

SEC. 746. Section 726 of Division A of Public Law 108–7 is amended by striking '', as authorized by section 4404 of Public Law 107–171 (2 U.S.C. 1161)'' and inserting ''through the Congressional Hunger Center''.

SEC. 747. (a) ASSISTANCE FOR COMMERCIAL TREE LOSSES.—The Secretary of Agriculture shall use $5,000,000 of the funds of the Commodity Credit Corporation to provide assistance under the Tree Assistance Program, subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to tree-fruit growers located in a federally declared disaster area in the State of New York who suffered tree losses in 2003 as a result of an April 4–6, 2003, icestorm.

(b) OFFSET.—The amount appropriated by this Act under the heading ''RURAL COMMUNITY ADVANCEMENT PROGRAM'' is hereby reduced by $5,000,000.

SEC. 748. Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by striking ''and Committee'' and inserting '', the Committee on Appropriations, and the Committee''.

SEC. 749. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 72, line 23, 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 Texas?

There was no objection.

The CHAIRMAN. Are there any points of order against provisions in this portion of the bill?

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

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

Mr. BONILLA. Mr. Chairman, as we all know, we are proceeding with this bill under regular order. I would like to thank the gentlewoman from Ohio (Ms. KAPTUR), my ranking member, for once again helping to produce the best bill we possibly could under the circumstances. We were working under some incredible fiscal limitations this year versus last year, and this is a bill that was produced by a subcommittee that has a history of working together.

The last time we had our bill on the floor, we had over 400 votes in support of the bill; and I am very proud of that. I think every member of the subcommittee understands that we try to work with every last person and try to honor every request that they have. We cannot always do everything that everybody wants, but we certainly give it our best shot. This is the year, as many Members know, that we also had to deal with over 2,300 individual requests. That is a lot of requests that our good staff has to keep track of day in and day out as we moved toward this day; and I would like to commend the staff, both the majority and the minority, as they have worked so diligently especially in the last few days around the clock to try to get us to this point on the floor so we could have a good bill to present to the folks.

So I am very proud of this product. Again, nobody always gets everything they want in bills like this, but we certainly have done the best we can.

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

Mr. Chairman, I rise in strong opposition to this bill. It fails to fully protect farmers and consumers. The legislation permits big corporate agriculture to reap massive profits while small family farmers struggle to make a dollar. With respect to meatpacker audits, the administration has asked for $1 million for the Grain-Inspection, Packers and Stockyards Administration to audit the four largest steer and heifer meatpackers, for compliance with the Packers and Stockyards Act. This might sound like a routine request, but it is not. This will be the first time in the 82-year history of the Packers and Stockyards Act that the agency has audited a large packer, but the bill does not provide this funding. Republicans must know that such an audit would show significant problems with the meatpackers, thus their refusal to fund it. At a time when the four largest meatpackers control 80 percent of the market, the American public should at least know the truth.

I want to indicate my agreement with the minority committee report that was so ably represented by the distinguished gentlewoman from Ohio (Ms. KAPTUR). The report pointed out that with respect to the Conservation Security Program that this bill eliminates all funding for this program. This is despite the fact that this program will provide assistance to farmers to adopt conservation methods on working farms. This is unlike a number of other programs that take land out of production for conservation; and assistance for conservation on working farms has been sorely neglected in the past, and this program represents an essential attempt that would remedy that problem.

The Wetlands Reserve Program, in a recent publication, the committee has pointed out that the USDA referred to this program as the ''premier wetland restoration program,'' but the bill cuts new enrollment in this program by 20 percent in 2004. The program has a backlog of over 736,000 acres. That is why the farm conferees increased allowable acreage, and this amendment unfortunately will thwart that effort.

The Environmental Quality Incentive program is one that has gained a lot of discussion in this country. The bill reduces this program by $25 million in 2004. This will mean there will be a cut of 1,450 producers who will not be able to get equipped funding in 2004. And in addition, the backlog last year for the program was $1.5 billion, which caused many producers to give up on the program. Another limit will discourage those who still want to participate.

The guides to renewable energy, the minority report has correctly pointed out that the bill zeroes out funding for this program. This program would provide grants and loans to farmers and ranchers and small rural businesses to buy renewable energy systems and to make energy efficiency improvements. Now, here we are at a time when we are seeing sharp increases in electric prices. We have seen spikes in natural gas prices, and we are expecting more increases. These increases could devastate small farmers, ranchers, and businesses. Any bill that would zero out renewable energy, therefore, is not advisable.

With respect to country-of-origin labeling, the minority committee report has appropriately pointed out that the bill prevents the implementation of country-of-origin labels for meat and meat products. We have to understand that it is really basically a consumer's right to know where the goods they are consuming come from.

□ 1245

The House unanimously supported this idea when it instructed its conferees on the farm bill to support country of origin labeling for both meat and perishable products. All Americans are concerned about food safety and inspection. The bill provides about $12 million less than requested for food safety and inspection.

The minority committee report points out that under the budget request these funds would not have gone directly into inspection activities, but, given the large number of recalls in 2002 and the ongoing concern about the agency's performance, the $12 million should have been provided for increased inspection and sampling.

There are very few areas where the American public has a greater interest than the area of food safety and inspection. People really want to be assured that our government is doing what it can to make sure that the food which people are consuming has in fact been inspected and is in fact safe. This is another deficiency in this bill.

AMENDMENT OFFERED BY MR. BALLANCE

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

The Clerk read as follows:

Amendment offered by Mr. BALLANCE:

Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount on page 3, line 9, the following: ''(reduced by $8,656,000)''.

Under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount on page 4, line 6, the following: ''(increased by $411,000)''.

Under the heading ''DEPARTMENTAL ADMINISTRATION'', insert after the dollar amount on page 6, line 3, the following: ''(increased by $2,005,000)''.

Under the heading ''CSREES-RESEARCH AND EDUCATION ACTIVITIES'', insert after the dollar amounts on page 11, line 13, and page 12, line 16, the following: ''(increased by $600,000)''.

Under the heading ''OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount on page 16, line 12, the following: ''(increased by $5,000,000)''.

Mr. BALLANCE (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 North Carolina?

There was no objection.

Mr. BALLANCE. Mr. Chairman, I would like to thank the floor leaders of this bill on both sides. I appreciate this opportunity on behalf of myself and my colleagues, the gentleman from California (Mr. BACA) and the gentleman from Mississippi (Mr. THOMPSON).

Mr. Chairman, I am deeply concerned about the state of minority affairs at USDA. We know that on April 1 of last year, Mr. Vernon Parker, the first USDA Assistant Secretary for Civil Rights, was sworn in and given the enormous task of improving how minorities are currently treated at USDA, preempting future civil rights problems at USDA and righting past wrongs.

I applaud the President for his efforts in creating this Office of Civil Rights, but I urge my colleagues, and the reason I am standing with this amendment, is to not let this office be only window dressing for this very serious matter.

In the 1994 report commissioned by USDA, it was pointed out that minority participation in Farm Service Agency programs is particularly low; and minorities receive less than their

fair share of USDA funding for crop payments, disaster payments and loans. The report found gross deficiencies in USDA data collection and handling that helped these minority farmers.

Mr. Chairman, there are currently 11 class action lawsuits pending against USDA, all of which allege discrimination by USDA. There is a Latino farmer lawsuit, a Native American farm lawsuit and others, and the famous case of Pickford versus Glickman was settled in 1999. Since then we have spent over $800 million, but there are still 2,000 cases sitting around at USDA gathering dust waiting to be reviewed in connection with the Pickford case.

We are hemorrhaging money. We have an Office of Civil rights. It is underfunded. We met with Mr. Parker. He has a 90-day plan where he wants to attack this issue, but he has two staffers in addition to himself, and he has no money.

This amendment would allow that office to be properly funded. It would also allow about $2 million to go into the Office of Civil Rights so that they can review these old cases, and it would allow some funding to go for the benefit of Latino population education.

We think that this $8 million we are seeking here is meaningful to address all of these civil rights issues. We think it would not only serve the Department but it would serve this Congress and would serve this country. So I urge my colleagues to support this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief and to the point. This has been a tough budget year. This is a tough bill, but it is a fair bill, and the gentleman brings up some very good points that need to be addressed. But, again, having done the best we can possibly do under the circumstances, I hope that people understand that we wished we could have done more but we were just not able to.

Certainly the accounts that this amendment would increase were not treated unfairly in any way, and this is how they are funded in the bill. For example, the Office of Civil Rights is at last year's level plus increased pay cost. Departmental Administration is at last year's level plus increased pay cost. Hispanic-Serving Institutions is held at last year's level, so there is no cut there, which in this day and age I believe people should be pleased with an outcome like that. The Outreach Program is also at last year's level.

The gentleman's amendment would do the following: It would more than double the Office of Civil Rights, giving that office a 104 percent increase; increase the Departmental Administration account by 5 percent; increase Hispanic-Service Institutions programs by 15 percent; and increase the Outreach Program by a whooping 144 percent.

Let me emphasize that if we had the money to do this we would be doing cartwheels in supporting these kinds of increases, but we are doing the best we can under the limitations we have in putting this bill together.

The money that would be taken from the USDA's Common Computing Environment Account, and while that does not sound like a grand program, let me emphasize that this takes care of the way that a lot of these programs are processed, like the work at the Farm Service Agency, the Natural Resources Conservation Service and the Rural Economic and Community Development Programs. This amendment would take $8.6 million away from USDA's ability to meet those needs, and that would indeed create a lot of hardship out in the heartland.

Mr. Chairman, we worked very hard to present a well-considered and fair bill to the House. I ask Members to stick with the committee and defeat this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think it is important for the House to understand that what we are talking about here is trying to assist minority farmers to be able to get experts in the field to help them obtain the best technology and environmental improvements in farming, to be able to be more competitive.

We know that, historically, whenever family farmers are having difficulties, it is always the minority farmers who find it most troubling to be able to survive.

This bill, when the work was being done, discovered a disturbing discrepancy for funding our Nation's land grant colleges of agriculture between funding for those land grant institutions established in 1890, all of which are historically black colleges and universities, and those established in 1962, which are predominantly non-minority.

I think the sponsors of this are trying to do the right thing in making sure that the inequities that have been long-standing and historic are addressed and that efforts are made in these difficult times to be able to establish fairness. Because this really is a question of fairness, whether or not we are going to be able to have an agricultural program that is going to make sure that minorities who have worked very hard to try to establish a place in agriculture will have available to them the kind of expertise that is available to many farmers generally.

So I rise in support of this amendment, and I urge Members to do likewise.

Mr. BACA. Mr. Chairman, I rise in favor of this amendment that I helped develop in collaboration with Representatives THOMPSON and BALLANCE. This amendment is important because it restores funding to help end discrimination and prioritizes other significant funding to help minorities in the field of agriculture.

The U.S. Department of Agriculture has institutional problems that must be resolved.

The problems within the USDA are so severe that the civil rights complaints have cost the federal government hundreds of millions of dollars in settlements and awards.

Fixing the civil rights complaint process and properly funding minority initiatives are necessary to permanently end a history of discrimination.

The USDA Inspector General, General Accounting Office, and the USDA Civil Rights Action Team have all written numerous reports documenting the problems at the Office of Civil Rights. Yet, employees responsible for discrimination settlements remain employed and the system as a whole remains unchanged.

In attempt to reform the problems at the USDA, we created the office of the Assistant Secretary for Civil Rights to oversee reform at the agency. But sadly, we have failed to fully fund this office.

Investing in the elimination of discrimination at the USDA will not only help save the federal government money in the long run, but it will help save employees and farmers the heartache and humiliation associated with discrimination.

Discrimination is morally reprehensible, and an unnecessary expense to the federal government. We must invest in the agency in order to correct the wrongs.

This amendment is also crucial to help end discrimination because it increases funding for Hispanic Serving Institutions by $600,000. These institutions are great sources of innovation and deserve funding to continue generating advances in agricultural science. We must stop the long-standing practice of under funding these institutions.

Mr. Chairman, I urge my colleagues to support these modest investments that will yield greater savings from discrimination lawsuits and earn goodwill with the minority agriculture community.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLANCE).

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 ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', insert after the dollar amount on page 5, line 1, the following: ''(reduced by $800,000)''.

Under the heading ''OFFICE OF THE INSPECTOR GENERAL'', insert after the dollar amount on page 7, line 18, the following: ''(increased by $800,000)''.

Mr. BLUMENAUER (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. BLUMENAUER. Mr. Chairman, I offer this amendment this afternoon together with the gentleman from Colorado (Mr. TANCREDO) to provide $800,000 for improved enforcement for the Federal animal fighting law. It is not just enough to fight a law, Mr. Chairman. It must be enforced.

In May, 160 Representatives and Senators requested this $800,000 increase for animal fighting enforcement in letters to the Committee on Appropriation's Subcommittee on Agriculture. The broad, bipartisan support reflects our constituents' concern for meaningful enforcement of the Federal animal fighting law.

Fifty-five State and local sheriff's offices, State police departments from around the country, including Kansas, my home State of Oregon, Colorado, Texas, West Virginia, Michigan, Wisconsin and others, have called on Congress to provide this money so that USDA will improve its enforcement for the animal fighting law and have a stronger partner in their efforts.

The increase we seek in our amendment would be offset by a cut of $800,000 in the agricultural building and facilities and rental payments account, only one-half of 1 percent, leaving over $156 million.

Mr. Chairman, in the 27 years since Congress first prohibited most interstate and foreign commerce of animals for fighting, USDA has pursued only a handful of cases, despite receiving a steady stream of tips from informants and requests for State and local police on illegal movement of fighting dogs and birds across State lines.

I was pleased to have the support of so many of our colleagues last year in enacting provisions to the farm bill to close loopholes in the Federal animal fighting law. Now it is time to ensure that the USDA take seriously its responsibilities and has the resources to enforce the law.

The amendment would provide the $800,000 for the Office of Inspector General to focus on animal fighting cases, working closely with State and local law enforcement personnel to complement their efforts.

While dogfighting is banned in all 50 States and cockfighting is banned in 48 States, the Federal Government must be involved, for participants in animal fights often come together from several States at a time and animals are moved across State lines.

This is not some innocent pastime. Dogfighting and cockfighting are barbaric activities in which animals are given drugs to make them hyper-aggressive and drugs to clot their blood more quickly so they can continue fighting. They are pushed by their handlers to fight even after they have suffered grievous injuries, such as pierced lungs and gouged eyes.

Dogfights and cockfights not only are deplorable animal abuse, but they are integrally involved with illegal gambling, drug traffic and violence to people who participate in these activities.

It is well documented that animal fighters often bring their children to these spectacles, sending a terrible message to them about animal cruelty and violence. Some dogfighters steal pets to use as bait for training their dogs. Some abandon fighting animals, leaving them to roam neighborhoods and wreak havoc. Any dog bred and trained to fight poses a public safety risk.

Mr. Chairman, in October of 2002, the Exotic Newcastle Disease began spreading rapidly across the Southwest United States. Exotic Newcastle Disease is a highly contagious viral disease that affects respiratory, digestive and nervous systems of all birds. This outbreak cost taxpayers upwards of $100 million in containment and compensation fees, and it is very probable the outbreak originated from cockfighting birds imported from Mexico.

According to the State Veterinarian and Director of Animal Health and Food Services in California, game fowl and their owners have played a major role in the dissemination of this virus due to their high mobility related to meetings, training, breeding and fighting activities on a regular basis.

The Texas Poultry Federation takes a similar position in its letter, stating that, cockfighting has spread Exotic Newcastle Disease as their birds travel extensively and come in close contact at fights. It makes no sense to allow illegal cockfighting operations to continue, putting our flocks and livelihood at risk.

Mr. Chairman, surely spending $800,000 to crack down on animal fighting is a smart investment to help prevent the spread of costly future diseases, especially when a significant portion of the eradication expenses the Federal Government has already incurred in the recent outbreak, $11.5 million, according to USDA records, went to compensate owners of birds believed to be illegal fighting cocks.

□ 1300

Why let this illegal industry continue to thrive unchecked?

Animal fighting is no longer simply an animal welfare issue, it is an epidemic that is costing taxpayers millions of dollars, threatening our food supply, and destroying the hard work of American farmers. It promotes illegal gambling and drug activities and puts the public at risk. I urge my colleagues to vote in support of this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is not a Member of this body that does not believe in treating animals humanely. However, I oppose this amendment for several reasons:

First, the $800,000 that would go to the Inspector General would go to dogfighting and cockfighting enforcement, and it would cut buildings and facilities funding for rent and maintenance that are already underfunded.

The Inspector General's office has told us that enforcement of this will be done at a minimal level since this is a misdemeanor offense. Now, one could argue the pluses and minuses on whether it should be a more serious offense, but these are misdemeanors that are dealt with by local law enforcement agencies from around the country, and they cannot afford to devote their resources at the IG level because of this reason. The IG tells us that one case alone could cost $800,000.

Second, one of the reasons that we are debating this amendment today is that the Humane Society of the United States points out that this vote will be counted on the Humane Scorecard this year. The only reason that this item is even on their scorecard is that we have addressed all other of their concerns in this bill. We provided a $437,000 increase for animal welfare, $1.1 million more for regulatory enforcement in the Animal and Plant Health Inspection Service, and fully funded the enforcement of the Humane Methods of Slaughter Act in the Food Safety and Inspection Service.

If the sponsors of this amendment were serious about this, programs that the HSUS supported like the ones that I just mentioned are the ones that would be cut to pay for this amendment, but then that would force them to prioritize like the rest of us have to do.

If every Member of the House brought an amendment to the floor just because they did not get every last nickel that they wanted, we would be here all day and we could never get this bill done.

Finally, Mr. Chairman, I urge my colleagues to not vote against this amendment simply because I am suggesting that they do, but vote against this amendment because of the following statement by an HSUS Vice President who said, ''The life of an ant and that of any child should be granted equal consideration.''

Mr. KUCINICH. Mr. Chairman, I rise in support of the Blumenauer-Tancredo amendment. The amendment is designed to improve enforcement of the Animal Welfare Act.

I think that when we recognize that so many Americans are concerned about animal abuse, we look at this as being one of the most egregious areas where dogfighting and cockfighting takes place. As the gentleman from Oregon (Mr. BLUMENAUER) pointed out, it is not only a matter of animal abuse, it is a matter of illegal gambling, drug trafficking, and violence against other people. Violence breeds violence. I think that this amendment, in seeking to bring an appropriate Federal role through funding through the Inspector General, would help the local communities understand that a Federal focus means that more attention needs to be paid to local enforcement as well.

As somebody who served in municipal government over the years, this is something that came up in terms of activities that were taking place in some of the neighborhoods in my own community, and certainly people who heard about them and who were involved in the community understood that the level of violence and the level of animal cruelty was something that needed public attention.

We should have no tolerance for animal cruelty. We should have no tolerance for a system which degrades these creatures of God. And we also need to understand that, as the honorable chairman pointed out, the observation that was made by an official concerning the quality of ants and children, I do not think that he actually meant to equate the importance of an ant to a child, but what the statement meant to say was that all life here ought to be regarded with some degree of respect and that, in effect, when we try to come forward here and support animal welfare and support the rights of animals to not be treated cruelly, what we are doing here is, in effect, elevating our own humanity.

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

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BLUMENAUER. Mr. Chairman, I wanted to just respond very briefly to two points of the distinguished chairman of the subcommittee.

What he describes with the notion of this being a misdemeanor is part of the catch-22 that some of the people in this Congress who are fronting for the illegal fighting animal activities have produced for us. When we had an amendment on the floor that was approved in the farm bill last year, it was to increase the penalties so that it would be easier to pursue. But, sadly, in conference, contrary to the will of the House, these provisions were watered down. So now we can plead, well, it is only a misdemeanor so we should not be involved with it.

The fact is, as I mentioned in my statement, 55 local jurisdictions and State jurisdictions in law enforcement have asked us to come forward, because while these provisions may be misdemeanors, they are tied up in a network of illegal activity that breeds violence, drug, and other activities and is serious. It is not just animal cruelty, if somebody wants to dismiss that.

Second, the gentleman's argument that we cannot afford it I think is a false economy. First of all, I am taking from an account that they have already significantly reduced. It is an area that would already have $156 million. We are only speaking of one-half of 1 percent, but the $800,000 here has the opportunity to prevent vast losses to the Federal Government.

As I pointed out, Exotic Newcastle Disease and all the evidence suggests it is illegal game-fighting that has spread it throughout the Southwest. That is the conclusion from the gentleman's home State of Texas, from California, and has cost us upwards of $100 million that we have had to spend tracking these down, eradicating poultry and other birds and compensating people, including $11.5 million for what are probably illegal fighting cocks.

I would suggest that the gentleman, with all due respect, is not being responsive to the overall economic impact, and it is not simply that we just dismiss as something not worthy of more law enforcement attention. It does not get the attention because the interests that are sympathetic to animal fighting, illegal animal fighting, have deliberately fought to have strong enforcement provisions. The least we can do, the least we can do is provide the resources within the extent of the existing law to cut it back, stop the illegal activity, and prevent the waste of tens of millions of dollars of taxpayer money.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I wanted to say that I think the gentleman from Oregon (Mr. BLUMENAUER) has a very worthy amendment here. I was particularly struck by one of his arguments: the linkage between crime and the mistreatment of animals and the increasing spread of Exotic Newcastle Disease across our country which, by the way, also has a cost. It comes to us in the form of trying to remediate and to make whole those whose flocks have been devastated. I do not think that it is widely known that, as the gentleman mentioned, some of the animals might have come in from another country. We know how poorly our borders are inspected.

So I want to commend the gentleman for taking the offset for his amendment from the buildings accounts, as opposed to from our research accounts or our animal plant health inspection accounts, or our border inspections, et cetera. I think that the matter is that the people who are doing this are doing it illegally; and now there is a linkage to the spread of disease, serious disease.

I think that the gentleman's amendment is very reasonable. He is asking for $800,000 for the Office of the Inspector General who, when they are given the authority, do a great job, to try to remedy this animal fighting across our country and, I think importantly, to stem any disease that may spread as a result of it.

So I just wanted the speak on behalf of the gentleman's amendment and to thank him for the responsible manner in which he has found an offset to try to find the funds for the Inspector General.

I might say, one of the bad things about the way the laws concerning the Inspector General have been written, even if wrongdoers are found and fines are levied, under the laws of our country the Inspector General has to return those funds to the Department of Treasury. It does not go to the Department of Agriculture for further prosecution and further investigation. I have never liked that aspect of the law, because I think we ought to reward the Inspectors General that are doing a good job in apprehending wrongdoers across this country.

So I want to thank the gentleman for his very appropriate amendment here, and I urge my colleagues for their support.

Mr. BLUMENAUER. Mr. Chairman, attached is a letter signed by 122 members requesting this $800,000 increase, as well as a letter of support from the Humane Society of the United States.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 23, 2003.

Hon. HENRY BONILLA,
Chairman, Appropriations Subcommittee on Agriculture, Rayburn House Office Bldg., Washington, DC.

Hon. MARCY KAPTUR,
Ranking Member, Appropriations Subcommittee on Agriculture, Longworth House Office Bldg., Washington, DC.

DEAR CHAIRMAN BONILLA AND RANKING MEMBER KAPTUR: We are writing to thank you for your outstanding support in FY 2003 for improved enforcement by the U.S. Department of Agriculture of key animal welfare laws, and to urge you to ''hold the line'' in FY 2004 so that this effort can be sustained. Your leadership is making a great difference in helping to protect the welfare of millions of animals across the country, including those at commercial breeding facilities, laboratories, zoos, circuses, airlines, and slaughterhouses. As you know, better enforcement will also benefit people by helping to prevent: (1) injuries to slaughterhouse workers from animals struggling in pain; (2) orchestrated dogfights and cockfights that often involve illegal gambling, drug traffic, and human violence; (3) the sale of unhealthy pets by commercial breeders commonly referred to as ''puppy mills''; (4) laboratory conditions that may impair the scientific integrity of animal based research; (5) risks of disease transmission from, and dangerous encounters with, wild animals in or during public exhibition; and (6) injuries and death of pets on commercial airline flights due to mishandling and exposure to adverse environmental conditions.

For FY 2004, we want to ensure that the important work made possible by the FY 2003 budget is continued, that newly hired and trained inspectors will be able to stay on the job, and that resources will be used in the most effective ways possible to carry out these key laws. Specific areas of concern are as follows:

OFFICE OF INSPECTOR GENERAL/$800,000 INCREASE FOR ANIMAL FIGHTING ENFORCEMENT

In last year's Farm Bill, Congress enacted provisions that were overwhelmingly supported in both chambers to close loopholes in the Animal Welfare Act (AWA) regarding cockfighting and dogfighting. Since 1976, when Congress first prohibited most interstate and foreign commerce in animals for fighting, USDA has pursued no cockfighting cases and only three dogfighting cases, despite rampant activity across the country. USDA has apparently received innumerable tips from informants and requests to assist with state and local prosecutors, but routinely ignored or declined such requests. It is time for USDA to take seriously its responsibility to enforce the portion of the AWA dealing with animal fighting ventures. Dogfighting and cockfighting are barbaric activities in which animals are drugged to heighten their aggression and forced to keep fighting even after they've suffered grievous injuries, such as pierced lungs and gouged eyes. Animal fighting is almost always associated with illegal gambling, and also often involves illegal drug traffic and violence toward people. Dogs bred and trained to fight endanger public safety. Cockfighting has

been linked with the recent outbreak of Exotic Newcastle Disease that has already destroyed many poultry flocks and cost taxpayers more than $40 million for containment and compensation, with costs estimated to rise as high as $250–$500 million.

Given the dangerous nature of animal fighting enforcement work, we believe that the department's chief law enforcement arm—the Office of Inspector General (OIG)—is best suited to lead this effort. We therefore respectfully request an increase of $800,000 for the OIG to focus on animal fighting cases and inclusion of bill language directing the Secretary to coordinate intelligence gathering, investigation, and prosecution of animal fighting cases, pursuant to Section 26 of the AWA, through the OIG, working with local and state law enforcement personnel to complement their efforts, and drawing on other federal entities including the Attorney General, the Animal and Plant Health Inspection Services, and the Office of the General Counsel as needed.

FOOD SAFETY AND INSPECTION SERVICE/HUMANE METHODS OF SLAUGHTER ACT (HMSA) ENFORCEMENT

We greatly appreciate the inclusion of $5 million in the FY 2003 bill to hire at least 50 inspectors whose sole responsibility will be to ensure that livestock are treated humanely and rendered unconscious before they are hung upside down, skinned, dismembered, scalded, or killed. Having these new inspectors focus on unloading, handling, stunning, and killing of animals will bring much-needed attention to slaughter plant practices that have had little oversight in recent years. We also appreciate your inclusion of language specifying that the ongoing activities of 17 District Veterinary Medical Specialists hired as a result of $1 million provided in the FY 2001 Supplemental should be limited to HMSA enforcement rather than the various unrelated duties with which they had been charged. And we commend you for directing the General Accounting Office to review and report by July 1, 2003 on the scope and frequently of HMSA violations, with ''recommendations on the extent to which additional resources for inspection personnel, training, and other agency functions are needed to properly regulate slaughter facilities in the areas of HMSA enforcement.''

There are nearly 900 federally inspected slaughter plants in the U.S., handling millions of animals each day. In addition to requesting continued funds in FY 2004 to sustain at least 50 new inspectors and the 17 positions mentioned above, we hope you will give full consideration to any recommendations the GAO may have for enhancing enforcement of this important—and very basic—law.

APHIS/ANIMAL WELFARE ENFORCEMENT

Thanks to funding increases in the past four years, Congress has enabled USDA to begin to reverse a serious decline in the number of AWA compliance inspections. However, the President's FY 2004 budget proposal—which suggests $1.7 million less for the Animal Care division than in FY 2003—would fail to cover the salaries of recently-hired inspectors and substantially undo the gains Congress has made possible. Moreover, there is still much room for improvement. Many facilities continue to escape oversight for long periods of time, giving rise to situations that threaten both human and animal health and safety. Nearly half of the sites that do get inspected are found to have apparent violations of the minimum standards under the Act and, therefore, follow-up visits are badly needed. We urge you to sustain Animal Welfare funding at the FY 2003 appropriated level of $16.4 million, in order to keep the current number of inspectors (approximately 100 to oversee about 10,000 sites).

Again, we are very grateful for the Subcommittee's leadership in addressing enforcement needs for key animal welfare laws. We hope you will stay the course, so that funds necessary to administer these laws effectively will continue to be available and will be appropriately used. We look forward to working with you in the coming year, and thank you for your consideration.

Sincerely,

Christopher Smith, Earl Blumenauer, Thomas Tancredo, Robert Andrews, Mark Green, Elton Gallegly, Roscoe Bartlett, Gary Ackerman, David Wu, William Delahunt, James Moran, Louise Slaughter, Steven LaTourette, Frank LoBiondo, Dennis Kucinich, David Price, James McGovern, Steve Israel, Tammy Baldwin, Bob Filner, Barney Frank, Tim Ryan, Rush Holt, Rick Larsen, Jerry Costello, Jim Leach, Steven Rothman, Nancy Johnson, James Langevin, Michael Ferguson, Gary Ackerman, George Miller, Carolyn Maloney, Mark Udall, Vic Snyder, Jim Saxton, Rob Simmons, Anthony Weiner, Donald Payne, Johnny Isakson, Richard Neal, Frank Wolf,

Neil Abercrombie, Dennis Moore, Bill Pascrell, Jr., Ellen Tauscher, Judy Biggert, Luis Gutierrez, Michael Doyle, Karen McCarthy, Jerrold Nadler, Janice Schakowsky, Robert Wexler, Phil English, Mike Thompson, Peter DeFazio, Dale Kildee, Sherrod Brown, Frank Pallone, Elijah Cummings, Zoe Lofgren, Robert Menendez, Jay Inslee, Joseph Hoeffel III, Michael Bilirakis, Bernard Sanders, Chris Shays, Henry Waxman, Brad Sherman, Charles Rangel, Fred Upton, Tom Lantos, Hilda Solis, John Tierney, Peter Deutsch, Edward Whitfield, Lloyd Doggett, Edolphus Towns, Eleanor Holmes Norton, Barbara Lee, Major Owens, Adam Smith, Eliot Engel, Michael Honda, Lane Evans, Julia Carson, Corrine Brown, William Clay, Jr., Brian Baird, Adam Schiff, Grace Napolitano, Robert Matsui, Albert Wynn, Anthony Weiner, Martin Meehan, Nicholas Lampson, Thomas Allen, Nancy Pelosi, Patrick Kennedy, Sherwood Boehlert, Anna Eshoo, Sander Levin, Shelby Berkley, James Clyburn, Howard Berman, Jim McDermott, Nydia Velazquez, Gene Green, John Lewis, Lynn Woolsey, Sanford Bishop, Jr., Charles Gonzalez, Michael Capuano, Benjamin Cardin, Ed Case, Harold Ford, Jr., Pete Stark, Stephen Lynch, William Lipinski, Charles Bass, Clay Shaw, Jr., Jim Greenwood.

THE HUMANE SOCIETY
OF THE UNITED STATES,
Washington, DC, July 14, 2003.

DEAR REPRESENTATIVE: On behalf of The Humane Society of the United States (HSUS) and our more than 7.7 million supporters nationwide, we are writing to urge your support for the Blumenauer-Tancredo amendment to the Fiscal Year 2004 Agriculture Appropriation Act. The HSUS intends to score this vote on our annual Humane Scorecard,which is a joint project of several major national animal protection organizations.

Last year, Congress closed loopholes in the federal animal fighting law (Section 26 of the Animal Welfare Act). Now Congress needs to ensure that USDA enforces this law in a meaningful way. The Blumenauer-Tancredo amendment would provide $800,000 for the Office of Inspector General to focus on animal fighting cases, providing for collaborative opportunities for federal, state, and local law enforcement personnel on dogfighting and cockfighting activities that involve interstate transport or foreign commerce.

Dogfighting and cockfighting are barbaric activities in which animals are drugged to heighten their aggression, strapped with knives or gaffs on their legs, placed in a pit, and forced to fight to injury or death for amusement. During the instigated fights, the animals suffer grievous wounds. Animal fighting is often associated with illegal gambling, and also often involves illegal drug traffic and violence against people. Dogs bred and trained to fight endanger public safety.

Cockfighting has been linked with the recent outbreak of Exotic Newcastle Disease (END) that destroyed many poultry flocks and cost taxpayers more than $100 million for containment and compensation. Not only have law enforcement agencies and humane and veterinary groups called on Congress and USDA to deal with this growing problem, so have traditional agricultural organizations like the California Farm Bureau Federation and the Texas Poultry Federation, out of concern about cockfighters spreading END and other diseases.

Thank you for your consideration, and please vote ''yes'' on the Blumenauer-Tancredo amendment to the FY 04 Agriculture Appropriations Act.

Sincerely,

WAYNE PACELLE,
Senior Vice President, Communications & Government Affairs.

MIMI BRODY,
Director, Federal Legislation.

Mr. SHAYS. Mr. Chairman, last year, Congress enacted provisions to close loopholes in the federal animal fighting laws. We need to ensure the Department of Agriculture (USDA) has the resources it needs to enforce the law.

The Blumenauer-Tancredo amendment will provide a modest $800,000 for the USDA's Office of Inspector General to focus on animal fighting cases.

Dogfighting is banned in all 50 States and cockfighting is banned in 48 States. Dogfights and cockfights frequently involve not only deplorable animal abuse, but also illegal gambling, drug traffic, and violence to people. Additionally, cockfighting may be responsible for the spreading of diseases such as Exotic Newcastle Disease (END), a highly contagious virus that affects the respiratory, digestive, and nervous systems of birds. This disease has destroyed many poultry flocks throughout California, Arizona, New Mexico, and Texas and has cost taxpayers more than $100 million for containment and compensation.

As Co-Chair of the Congressional Friends of Animals Caucus, I urge my colleagues to vote in favor of the Blumenauer-Tancredo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. DAVIS OF ALABAMA

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Alabama:

Page 3, line 9, after the dollar amount, insert ''(reduced by $3,500,000)''.

Page 11, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 5, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 23, after the dollar amount, insert ''(increased by $1,500,000)''.

Page 14, line 14, after the dollar amount, insert ''(increased by $1,500,000)''.

Mr. DAVIS of Alabama (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 Alabama?

There was no objection.

Mr. DAVIS of Alabama. Mr. Chairman, I rise today in support and to offer an amendment that will correct a discrepancy and a disparity that has been overlooked in this bill, Mr. Chairman.

Let me begin by, first of all, thanking the very able ranking member of this subcommittee, the gentlewoman from Ohio (Ms. KAPTUR) for her cooperation and her assistance. Let me thank my good friend, the gentleman from South Carolina (Mr. CLYBURN), as well and a number of my colleagues on both sides of the aisle who have worked on this issue during the last several months.

Mr. Chairman, 17 Members of this institution are honored to represent 1890 Land Grant Colleges. 1890 Land Grant Colleges are historically black colleges and universities that have played an enormously significant role in the life of the South, in particular in the last 100 years. These institutions, that include in my State Tuskegee Alabama University and Alabama A&M University, not only reach an underserved part of the population, but they have been vehicles for launching leadership all over this country.

In the President's budget that was submitted, there was a discrepancy in the way these schools are treated and the way that 1862 Land Grant Colleges are treated. While I certainly take the chairman's admonition that if all of us who wanted to add a dollar here and a dollar there were to come to the floor, we would be here all day, I think that all of us would recognize that we have some fundamental obligations to treat like institutions in the same manner.

This particular budget essentially leaves level funding for 1862 Land Grants, which happen to be predominantly white institutions. Funding is slashed by five times that amount for 1890 Land Grants. I am not here to point a finger, Mr. Chairman, or to cast aspersions. I simply identify this discrepancy as something that we should fix.

A number of people ask, what is the impact of a cut that seems relatively small, about 3 percent? That has to be measured I think in the individual life of these institutions. Seventeen of them stand to lose $200,000 to $300,000 a school. In Tuskegee, Alabama, a $200,000 cut at Tuskegee University weakens the ability of that school to do enormously important work. A $200,000 cut at Alabama A&M University weakens the ability of that school to do enormously important work.

While so many programs have had to bear the brunt of the budget ax, we ought to make sure that it is administered in a fair and evenhanded manner.

So I ask my colleagues to support this amendment and to restore $3.5 million, a fraction of a $3 trillion plus budget, to bring back these 1890s to parallel treatment with 1862s in this budget. This is an act of bipartisanship on our part.

I want to thank someone who is not here today, who is touring a base in his State, my good friend and one of the ablest colleagues that we have in this institution, the gentleman from Connecticut (Mr. SHAYS). He has worked on this issue since the budget process. I want to also thank the gentleman from Louisiana (Mr. VITTER), our colleague on the Committee on Appropriations.

So I urge my colleagues to support this amendment, to make a very important statement about the worth and the value of these colleges that play such a significant role.

□ 1315

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, once again the gentleman brings up some very good points in his amendment, but we have done the best we possibly could under the limitations we have this year; and the offset the gentleman is looking at, again, would hurt the implementation of a lot of programs that we have discussed earlier. So for that reason I would oppose this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

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

Mr. Chairman, I wanted to rise in very strong support of the gentleman from Alabama's (Mr. DAVIS) amendment. I think it is a very important one to support our land grant institutions, and those that are historically black colleges and Tuskegee Institute. If you think about it, if you look at the budget the President presented to the Congress, the funding for the 1890 land grant institutions was actually cut three times as deeply as funding for the 1862 land grant institutions under the President's submittal. And so the cuts fall more harshly on those institutions that have an enormous load to carry in helping to bring up the talent to perform the research at those colleges which often gets shortchanged because people are spending so much of their time teaching.

I think only an administration that really does not understand what these institutions do could cut the funding three times as deeply as the other trims that were made in the budget. It has been very interesting to watch the President tour Africa. In having worked with our colleagues over the years to try to get linkages between our historically black colleges and Tuskegee Institute with African institutions to try to draw linkages halfway across the world, I know how difficult it has been. It has been hard to get those kinds of agreements to occur, to give these institutions a chance to embrace the 21st century and create the kind of global connections and specialized knowledge that rests in these institutions.

So I think the gentleman makes a very reasonable proposal here for $1.5 million to be directed to the institutions for facilities and $2 million for capacity building for the 1890s institutions, offsetting that $3.5 million from the common computing environment.

When I look at what happened over the weekend with all the news coming out about credit cards over at the Department of Agriculture and some of the internal problems that they are having, I know one thing: when you invest in the Historically Black Colleges and Universities and the Tuskegee Institute, you are investing in people; you are investing in the future where knowledge is so important to propel economic growth including in some of the most hollowed out parts of the country where agriculture has to be the lodestar industry. These institutions provide hope and opportunity for people who were traditionally excluded from other institutions of learning in this country.

So I think that the gentleman has correctly awakened this Congress and the administration to what is not just fair but appropriate and will help to provide opportunity in many quarters. So I want to strongly support the Davis amendment.

Mr. TOWNS. Mr. Chairman, I rise today in support of the gentleman from Alabama's amendment.

As a graduate of one of our nation's historically Black land-grant institutions, North Carolina A&T State University, I know how important these colleges and universities are to farmers in economically-distressed areas. To reduce the research and education activities by 17 percent and the expansion for extension activities by 10 percent imposes an onerous burden on these institutions and their ability to serve minority students and farmers. These cuts stand in marked contrast to the minimal reductions experienced by 1862 land-grant institutions.

Consequently, I would urge support for the gentleman's amendment which would restore $3.5 million for these colleges and universities. At a time when limited resource farmers are struggling for survival, we should not be undercutting their best educational resource, the extension arm of the 1890 colleges and universities.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment, which will restore funding to historically black 1890 land grant colleges,

and thank ARTUR DAVIS for bringing this disparity to our attention.

When the Budget Committee, of which I am Vice-Chairman, debated this year's Budget Resolution, Mr. DAVIS alerted us to a troubling discrepancy. Under the budget, historically black 1890 Colleges of Agriculture would have federal funds cut by 3.1 percent, while predominantly non-minority 1862 land grant colleges were only cut by .6 percent. The Budget Committee agreed to insert language into the Budget Resolution stating 1862 and 1890 colleges should be treated equitably.

Under the budget, Capacity Building grants for research and education activities at 1890 colleges were cut 17 percent, while Facilities Expansion funding for Extension Activities were cut by 10 percent. Our amendment restores this funding.

There are 1,890 extension offices working directly with minority farmers. Their activities are vital to the success of these primarily agricultural institutions, and provide critical support for farmers in the most economically-distressed areas.

Because so little funding already flows to these activities, cuts of this magnitude could cripple the ability of 1890 institutions to pursue their mission.

Again, I thank Mr. DAVIS for offering this amendment and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REHBERG

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

The Clerk read as follows:

Amendment offered by Mr. REHBERG:

Strike section 743 (page 71, lines 8 through 11), relating to country of origin labeling for meat and meat products.

Mr. Chairman, this is a very simple amendment, that is why I had it read. It is country-of-origin labeling.

A vote for this amendment is a vote in favor of country-of-origin labeling. A vote against this amendment is a vote to kill it. The proponents of what they did in the subcommittee and full committee will talk about the fact that they are delaying for 1 year, but that does not occur. Within this amendment, by delaying the implementation, you in fact delay country-of-origin labeling because the Department will spend no time on this very matter. We knew all along the administration did not support this. I have talked to the President personally about this. I do not know if they necessarily understand the issue.

The issue is very simple. Do we want to give our producers in America the opportunity to tout the fact that their product was born, raised, and processed in America? Country-of-origin labeling offers shoppers a choice, but also provides farmers and ranchers fairness. The issue has been fully debated. It was debated in the House farm bill. It was debated in the Senate farm bill. It passed both bodies. It was signed by the President; and, in fact, the administration has had twelve hearings around the country.

By taking the funding away from the implementation, you are cutting the legs out from under American farmers and ranchers and our ability to know where our product comes from, and it makes you wonder why somebody would be reluctant to put their name or their country on their product. Currently you can buy clothes, you can buy electronics, you can buy toys that label where they come from; but you cannot label meat mandatorily. You do not know where your meat is necessarily coming from. And yet you can buy Australian lamb chops, New Zealand apples, and Chilean sea bass.

Some will try to say that COOL violates the international trade agreements. And that is not true. In fact, in an article just today, the Japanese officials have said that trade would be banned beginning September 1 if the United States cannot certify that exports contained no Canadian beef. Our number one importer of our beef is Japan. They want country-of-origin labeling. Our number three importer of our meat is Korea, and they want the same labeling. In fact, 60 countries around the world are asking for labeling.

I have brought along an article that was in the Great Falls paper yesterday, the Great Falls Tribune. Interesting: ''This spring after a case of mad cow disease was confirmed in Alberta, Montana's cattle industry found out just how valuable it is to know where cattle are all the time. In June, officials learned five bulls from a Canadian herd linked to the Alberta cow with the disease were sold to a Montana ranch in 1997. The paper trails created by the State's inspection process traced in less than 20 hours where the bulls had been and where they ended up. Montana's brand inspection laws are among the country's strictest. Every time branded livestock are moved across a county line, sold to another owner or brought to a livestock auction, an official inspection must take place; records of those inspections are kept in a State wide registry. Jack Wiseman, administrator of brand enforcement of the Montana Department of Livestock said, 'If a cow never left the State of Montana or was exported to State with a similar brand laws, we could trace the ownership of a cow from calf-hood to death.' ''

Do not listen to me as to why this is important. Listen to somebody who has some experience in enforcement of livestock laws. '' 'Montana's system is enviable,' says Larry Gray, the director of Law Enforcement for Texas and the Southwest Cattle Raisers. The Lone Star State does not require brand inspections for stock sales between private individuals. Brands are recorded at the county level but there is no state-wide registry. I wish our laws were more stringent. That is a problem in Texas, he said, and right there there is not a way for State officials to trace an individual animal's history. 'Perhaps with country-of-origin labeling which would show consumers where meat sold at the retail level is born, raised, and processed, there will be a way to trace cattle here.' ''

Does that not scare you to death? Cattle can be stolen in some States around this country and we have do not have the process set up to be able to tell, like Montana did within 20 hours, where cattle that had come from a State or a country that had a problem, where those livestock went. It is important that we pass this amendment. It is important that we carry forward with country-of-origin labeling for America, for farmers and ranchers, for consumers.

Mr. BONILLA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, there is strong bipartisan opposition to this amendment in this body. It is interesting to note on this occasion when amendments are presented before this body how much misinformation is presented. For the proponents of this amendment to in any way indicate that you cannot put labels on any meat products at this time is absurd. This is a free country.

Any producer, any retailer right now can stick a label that says ''Made in America'' on any aisle in any frozen food section, in any section of the grocery store if they choose to do that.

The misinformation about whether or not this amendment affects mad cow disease is one of those fear-mongering arguments that is often times made in this town and around the country when you are trying to reach people at the emotional level and not at all talking about the truth in substance about the issue at hand.

This country-of-origin labeling on meat products that is in the bill, the prohibition on funding, has absolutely nothing to do with mad cow disease. But again, this argument is being pulled off the shelf to try to scare people into voting for this.

This prohibition that we have put in this bill simply says that USDA will not be able to work on enforcing, promulgating, developing any kind of regulation for a year until there can be more ample study and understanding of the bill.

This country-of-origin labeling provision that was put in the farm bill last year is controversial and costly. Many of our producers out there are shaking in their boots right now wondering about the liability that they would be faced with, the action that could be taken against them by people who would simply hold them accountable for not putting the proper label on their product. It could drive them out of business.

Grocery stores in this country, I do not care what part of the country you live in, if you have got a Safeway, if you have got a, like in Texas, an HEB Food Store or an Albertson's, all of the people who run those grocery stores are opposed to this amendment because they have a tremendous liability laying before them if that product is not labeled appropriately.

So if you are interested, any Member who votes for this amendment that is

being presented by my colleague today would in essence would be voting to increase the grocery bill and create sticker shock the next time Americans go through the meat section in a grocery store. So that is what you would have to face if you vote for this amendment.

The cost of this implementation of country-of-origin labeling has been estimated on the low end so far by those who have been working on this at USDA to be $2 billion. Overall most people agree that that is a very conservative cost estimate; and, in fact, the cost of implementing this would be much, much higher and guess who is going to pay for that, Mr. Chairman? That is why we are completely opposed to this amendment.

This has bipartisan support to be opposed to this amendment. The chairman of the authorizing committee, the ranking member, so many others that are part of the Hispanic Caucus, the Black Caucus, all across the board, again, members of the authorizing committee are also opposed to this. And they are working on this issue, having hearings, trying to deal with this country-of-origin labeling in the appropriate way. We are just asking with the provision in our bill to give them the time to do that.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our previous speaker talked about bipartisan effort to not pass this amendment. Let me state that last year there was a bipartisan effort to get this amendment in the bill, and it passed both the House and the Senate. It is also interesting when the gentleman says, well, you can just slap that sticker on a piece of meat or whatever. Well, guess what, we require that we know where our clothing is made, where our shoes are made. I think consumers need to know the meat, the produce they put in their mouths, where it comes from, where it is raised, and if it is safe.

I agree with the statements made by my colleague from Montana and thank him for the leadership on this issue. Over the past several days I received letters of support from the Oregon Farm Bureau and the Oregon Cattlemen's Association thanking me for helping to bring this amendment forward today.

Our amendment is supported by farmers in my district and across the country, which is why it is endorsed by the American Farm Bureau and the Farmers Union. Consumers Federation supports this as well as other consumer groups. Our farmers grow the best produce and raise the best livestock in the world, and American consumers know this. Studies have shown that Americans want to buy American commodities and are even willing to pay a premium to do so.

□ 1330

Yet while a consumer could go into a department store and know that their shirt is made in this country, they cannot go into the grocery store and have the same certainty about the food they are going to serve their families.

U.S. producers need mandatory labeling in order to compete in the marketplace. Product differentiation is the only way consumers can exercise their choice between purchasing either domestic beef or beef produced by foreign competitors.

In fact, according to a 2003 Colorado State University survey, 69 percent of consumers participating were willing to pay for more steaks clearly labeled ''USA Guaranteed: Born and Raised in the United States'' than for those without origin labels. Our Nation's farmers and ranchers produce the best and safest commodities in the world, and our Nation's consumers deserve the chance to determine where their food is born, raised and processed.

Recent events have also shown that the country of origin labeling is necessary for U.S. farmers to compete in international markets, and we keep talking about trade in international markets. Our number one beef importers, Japan and Korea, have both demanded assurances that beef they are buying is actually American beef.

For these reasons, we had country of origin labeling provisions added to the farm bill last Congress. The U.S. Department of Agriculture is formulating the rules to implement these provisions right now.

What the provision in the Agriculture appropriation bill would do would be to prevent the USDA from putting these rules together, short-circuiting a process that is currently in place, a process that Members of this body and the Senate voted to have in there last time.

Opponents of this amendment contend that the costs for industry, including retailers, to comply with country of origin labeling are too great, and the price of products will rise as a result. This is simply untrue. We already have a test case in place.

The fourth most populous State in this country, Florida, has had a country of origin labeling requirement for over 20 years. The Florida Department of Agriculture has estimated the annual cost of its mandatory produce labeling law is just a couple of pennies for a bag of groceries.

Country of origin labeling is good for American farmers, good for American consumers. I encourage my colleagues on both sides of the aisle to stand up today for their constituents and vote for the Rehberg-Hooley amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I think the American consumers have a right to know where the food they are consuming comes from and where it is made. I mean, think about this. Any of us here could look at the labels on our own clothes and know where the country of origin is. Why should we not be able to have that right when it comes to the food we consume?

This is not only a matter of right to know. It is a matter of assuring that American agriculture will be able to have the full impact and benefit from the American market because American consumers prefer American agriculture. We have got to make sure that American agriculture has the support that it needs.

Indeed, we are talking here about an agriculture bill. This idea of right-to-know and protection of the market are only some of the reasons why so many consumer groups and so many farmer groups across this country promote this country of origin labeling amendment.

I want to cite the following in the time that I have remaining as groups that are supportive of this legislation so there can be no mistake about it, notwithstanding the remarks that have been made here that there is plenty of support for country of origin labeling across the country: The Alabama Farmers Federation, the American Agriculture Movement, Incorporated, the American Agriculture Movement of Arkansas, the American Agriculture Movement of Oklahoma, the American Corn Growers Association, the American Corn Growers Association of Nebraska, the American Meat Goat Association, the Arkansas Farmers Union, the Baker County Livestock Association, the Beartooth Stock Association, the Bitter Root Stockgrowers Association, the Bull Mountain Land Alliance, the Burleigh County Farm Bureau, the Calaveras County Cattlemen's Association, the California Farmers Union, the California National Farmers Organization, the Campaign to Reclaim Rural America, the Carbon County Stockgrowers Association all support country of origin labeling.

The C.A.S.A. del Llano, the Catfish Farmers of America, the Center for Rural Affairs, the Cochise-Graham Cattle Growers Association, the Consumer Federation of America all support country of origin labeling.

Crazy Mountain Stockgrowers Association, Dakota Resource Council, Dakota Rural Action, Dawson Resource Council, Dunlap Livestock Auction, Eagle County Cattlemen's Association, Eastern Montana Angus Association, Fall River and Big Valley Cattlemen's Association, Fillmore County Cattlemen's Association, Florida Farm Bureau Federation, Florida Farmers, Incorporated, Florida Fruit and Vegetables Association, Florida Tomato Exchange, Georgia Peanut Commission, Georgia Poultry Justice, Glacial Ridge Cattlemen's Association all support country of origin labeling.

The Grant County Cattlemen's Association, Grant County Stockgrowers Association, Holy Cross Cattlemen's Association, Houston Company Cattlemen's Association, the Idaho Farmers Union, the Illinois Farmers Union all support country of origin labeling.

The Independent Cattlemen's Association of Texas, the Indiana Farmers

Union, the Indiana National Farmers Organization, the Institute for Agriculture and Trade Policy, the Iowa Farmers Union all support country of origin labeling.

Just Food, Kansas Cattlemen's Association, Kansas Farmers Union, Kansas Hereford Association, Kemper County Farm Bureau, Kern County Cattlemen's Association, Kit Carson County Cattlemen's Association, Land Stewardship Project, the Lincoln County Stockmans Association all support country of origin labeling.

The Livestock Marketing Association, the Madera County Cattlemen's Association, the Malheur County Cattlemen's Association, the McCone Agricultural Protection Organization, the Merced-Mariposa Cattlemen's Association, the Michigan Farmers Union, the Minnesota Farmers Union, the Missouri Farmers Union all support country of origin labeling.

The Missouri National Farmers Organization, the Missouri Rural Crisis Center, the Missouri Stockgrowers Association, the Modoc County Cattlemen's Association, the Montana Agri-Women, the Montana Cattlemen's Association, the Montana Farmers Union all support country of origin labeling.

The Montana National Farmers Organization, the Montana Stockgrowers' Association, the National Association of Farmer Elected Committees, the National Catholic Rural Life Conference, the National Consumers League all support country of origin labeling, and there is dozens and dozens more.

Support this amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 50 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. Would the gentleman from Texas (Mr. BONILLA) like to control the time?

Mr. BONILLA. The Chairman is correct.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) will control 25 minutes in opposition to the amendment.

Mr. REHBERG. Mr. Chairman, I request to control the time for the proponent.

The CHAIRMAN. The gentleman from Montana (Mr. REHBERG) will control 25 minutes.

Mr. BONILLA. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the authorizing Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I want to thank the Chairman of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for yielding me this time and for his leadership in making sure that we address the country of origin labeling issue correctly.

Many of my colleagues may not appreciate how hard the House Committee on Agriculture has worked on the country of origin labeling issue. Several years ago, the gentleman from California (Mr. POMBO), then Subcommittee on Livestock and Horticulture chairman, and some of his colleagues began a process to explore this subject. They started out with the hope that it could be accomplished in a way to provide an effective tool for producers to earn more in the marketplace. The subcommittee proceeded to meet with interested parties and the administration to develop the idea.

Subsequently, the fiscal year 1999 Agriculture appropriations directed the Secretary to conduct a comprehensive study on the potential effects of the idea. During an April 28, 1999, Subcommittee on Livestock and Horticulture hearing, the Clinton administration testified about the ''variety of regulatory regimes'' for labeling that could be adopted and further asserted that they ''believe there would probably have to be some kind of paperwork traceback system.'' The GAO pointed out that ''there is going to be significant costs associated with compliance and enforcement.''

Concerned that the costs outweighed the benefits for producers, the gentleman from California (Mr. POMBO) and others turned their attention to working with USDA to develop a credible voluntary program that allowed producers and processors to work together. Meanwhile, the GAO released its report in January of 2000 stating that mandatory labeling ''would necessitate change in the meat industry's current practices, create compliance costs across all sectors of the industry'' and asserting that ''U.S. packers, processors and grocers would, to the extent possible, pass their compliance costs back to suppliers, U.S. cattle and sheep ranchers, in the form of lower prices or forward to consumers in the form of higher retail prices.''

On September 8, 2000, interested parties submitted a petition to the USDA for a voluntary program and the Subcommittee on Livestock and Horticulture conducted another hearing on September 26, 2000, to review studies and the USDA's progress on the petition.

In early July, 2001, Under Secretary Hawks wrote industry to commit the Agriculture Marketing Service ''to begin action on the petition requesting a USDA voluntary, user-fee funded certification program that will enable a label for beef products.''

That same month, on July 26 and 27, the House Committee on Agriculture conducted its markup of the Farm Bill. The transcript of that markup has 12,463 lines of text, with 3,167 lines on amendments to create a mandatory country of origin labeling program. Fully 25 percent of the markup was devoted to this proposal, which was ultimately rejected because of concerns that the costs outweighed the benefits.

It has been mentioned by some that this has been passed on the floor of the House, and that is most certainly not correct. Mr. Chairman, an amendment was passed on the floor dealing with fruits and vegetables. The more complicated issue of beef and pork, which is the only subject covered by the provision in the Agriculture appropriations bill that delays implementation for a year, is the beef and pork provisions. The House has never taken a position on this, and this is far more complicated and costly for the producers than any of the other sectors, whether one likes the other ideas or not.

For those that attended the Farm Bill conference meetings, they know that labeling was a major topic of discussion there as well.

Despite a complete lack of any hearing record on the subject, the Senate insisted on its provision requiring labeling for beef, pork, lamb, fruits, vegetables, peanuts and fish.

Just weeks ago, on June 26, the Committee on Agriculture conducted an extensive hearing on the implementation of mandatory country of origin labeling. We learned a number of troubling things. We learned that most of the problems associated with implementation were a result of the law and not the administration's interpretation. We learned that while some groups still support mandatory country of origin labeling, the two largest livestock producer groups in America, the National Cattlemen's Beef Association and the National Pork Producers Council, both oppose it.

We learned that this new law will open everyone up and down the food production system to third party lawsuits with the potential of creating havoc for producers, packers, processors and retailers. We learned that because of the way the law is drafted, no matter what the administration does in writing the implementing regulations, because the retailers have been made ultimately liable for this labeling system, that they will set up their own regime to protect themselves against mislabeled products, and that regime is going to be very costly to producers.

□ 1345

If you are a domestic producer of beef or pork, you are going to have to comply with an enormous amount of record keeping, a great deal of cost which you are going to have to bear yourself. Lower prices for your product are going to be passed down to you by the processors, by the distributors, by the wholesalers, by the retailers; and that foreign competition, whether it is fine Argentinian Black Angus beef or Australian beef, they are simply going to slap it on the label and say we are guilty. It will cost them little, if anything, to comply; it will cost the U.S. producers more. Therefore, this is going to be a major competitive disadvantage for American agriculture. I would urge Members to support the

original Bonilla language in the appropriations bill to delay implementation for 1 year and oppose the amendment which has just been offered to strike that language. We need time to sort out the problems with this legislation before Congress ends up doing a lot more harm than good.

Mr. REHBERG. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Rehberg-Hooley amendment to say that the Committee bill provision indeed subverts the law. This Rehberg-Hooley provision was included in the farm bill. But when the opponents of that law found an opening in the subcommittee of agriculture appropriations to try to subvert the law, they took that opportunity. And so what we are talking about here is changing the law of our country that was passed here, as well as passed in the other body, and signed into law. We surely had plenty of consideration. That is number one.

My second point is this amendment is being offered at a time when we have the highest number of meat recalls in the country's history. God forbid you are the parent of someone who just died from eating contaminated meat. I find it very interesting that those who oppose this say there are going to be all these high costs and all these problems. Do Members know that not one producer in Ohio has complained to me about this law? I represent cattlemen and cattlewomen. They raise a lot of different kinds of animals in our region. Producers want the labeling. In fact, the Ohio producers, the Great Lakes producers, are working on their own electronic ear tags because they do not want their meat mixed with other stuff that they do not know where it comes from. They want to be able to offer a quality product at a competitive price and get it on the shelves of the supermarket. The problem is that the supermarkets deny shelf space to independent producers.

We know who wants this law subverted. It is not the ranchers; it is not the farmers. It is the people who want to make money off them. Any decent business person wants labeling of their product. Our father operated a family grocery and when he made his meatloafs, when he made his sausages, we had our own label tape that we pealed and put right on the package. We were so proud of his products. Our market was called Supreme Market, and to this day it sold the best meat I ever ate, the best sausage I ever ate. We were proud to label it. Good producers want labels on their quality products.

In Ohio, the Great Lakes Family Farms has a special verification program. They eartag animals with all relevant information. They know what shots the animal got. They know which feed lot it was on and how much it weighed at 6 months, at 8 months. They know everything because they know their customers want to know, and that local label gives them a niche in the market to be able to offer quality meat.

Mr. Chairman, in an era when the consumer wants to know, why is the Republican leadership trying to subvert the law and not give us as consumers the right to know where our meat comes from? It is simply because if you are going to mix in Argentinian beef or mix in some other kind of meat at the store, you do not want your customers to know. If you have some Uruguayan skinny steer that was wandering somewhere around Latin America, and then you are going to take some of that meat and blend it in with Ohio beef, you do not want anybody to know because you are going to make just as much money on that package.

But the farmers know how to label. They are doing it already. They are doing it in our region, and those electronic ear tags are so complete and with technology being what it is today, we can know everything about an animal, even who its mother and father were.

Do not give me this baloney it is going to be so much more expensive. Our farmers are already doing it. Ohio farmers can lead the way. In fact, the American Farm Bureau supports the law. It does not support subverting the law. They support country-of-origin labeling. In the letter that they have sent to us, they say those products should be labeled at the retail level. With increased trade, more products are being imported into the United States and the farm bureau is working with the agricultural marketing services to implement a program with the least amount of burden and cost to producers.

So in addition to all of the names that the gentleman from Ohio (Mr. KUCINICH) read into the RECORD, I will include a letter from the American Farm Bureau.

Mr. Chairman, Members might have noticed the recent stories about mad cow disease, BSE, bovine spongiform encephalopathy, that is up in Canada now. We have to know where our meat comes from, and people who raise meat should be responsible for it, just like my father was responsible for his products. They ought to be proud of what they are producing and not ashamed, and not try to hide something on a package that when you take the hamburger out, it looks red on the outside and it is all brown on the inside. We all know what they are doing. We understand what that is all about.

I think it is a worthy amendment. We have the technology to do it. I will place in the RECORD what the 4–H requires of our students as one of its projects to have labeling of beef. This is not rocket science. It can be done.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, June 24, 2003.

Hon. MARCY KAPTUR,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KAPTUR: The American Farm Bureau Federation commends the Appropriations Committee for timely action on the FY04 agriculture spending bill. We ask that you consider the following information as the Appropriations Committee acts on the bill this week.

We support full funding for the Farm Security and Rural Investment Act of 2002 (FSRIA). Unfavorable weather conditions, uncertainties involved with international trade, the value of the dollar and record high input costs have converged to produce a turbulent and difficult time for agriculture. The industry has suffered through several consecutive years of historic low market prices and weather disasters. The new farm law helps address problems faced by American farmers and ranchers and it provides unprecedented funds for our nation's conservation needs. Changes in farm bill programs would be devastating not only to farmers and ranchers but the rural economy as well. Consequently, the Farm Bureau strongly encourages you to avoid making changes to FSRIA in the FY04 appropriations process.

We commend the Committee for maintaining full funding of farm bill commodity programs. It is imperative that counter-cyclical payment rates, loan rates and direct payments be preserved as adopted in FSRIA. We are opposed to any changes in current payment limitations for direct payments, counter-cyclical payments, loan deficiency payments (LDP) and marketing loan gains (MLG), including a separate payment limitation for the peanut program. Current rules on spouses, three-entities, generic certificates and actively engaged requirements should be retained.

AFBF supports country-of-origin labeling (COOL) as passed in the 2002 farm bill. Many farmers and ranchers believe that the products they grow in the United States should be labeled a product of the United States at the retail sales level. With increased trade, more products are being imported into the United States, giving the consumers greater choices at the marketplace. Farm Bureau is working with the Agricultural Marketing Service (AMS) at USDA to implement the program with the least amount of burden and costs to producers. We are disappointed the legislation blocks further work by USDA to implement country-of-origin labeling for meat and poultry products. We ask that you support the restoration of funding for this important program.

Farm bill conservation programs should be fully funded. Full implementation of the Environmental Quality Incentive Program (EQIP) and Conservation Security Program (CSP) is key to assisting agricultural producers in complying with environmental regulations and addressing important conservation issues nationwide. Program funding for technical assistance is essential if conservation programs are to be successful. While we are pleased that the bill increases funding for conservation operations activities, we are disappointed that funding for CSP is blocked and limits have been placed on EQIP.

The development of alternative energy sources is not only significant to the advancement of American agriculture but also is vital to enhancing our nation's energy security. The 2002 farm bill contained an energy title that includes provisions for federal procurement of bio-based products, bio-refinery development grants, a biodiesel fuel education program, renewable energy development program, renewable energy systems, a bioenergy program and biomass research and development. These programs will assist rural economic development as well as increase our nation's energy independence. We are disappointed that the bill under consideration does not include funding for key programs that promote alternative energy sources.

Thank you for your consideration of these issues of importance to farmers and ranchers.

Sincerely,

BOB STALLMAN,
President.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM) as a demonstration of strong bipartisan support in opposition to this amendment.

Mr. STENHOLM. Mr. Chairman, many of us have spent countless hours on country-of-origin labeling on the authorizing committee both during the discussion on the farm bill and since. The Committee on Agriculture has conducted a series of briefings on country-of-origin labeling to educate staff on the implementation of the requirements, and recently held a full committee hearing on the issue. The gentleman from North Carolina (Mr. HAYES), chairman of the subcommittee, has indicated that he will hold additional hearings on this issue in the near future.

It is not my purpose to stand in opposition to the amendment to subvert the law. I am standing here saying we want this to work; and for it to work, it will take an additional 1 year of time to make it work.

I question the wisdom of a mandate to include on labels every piece of information that a random consumer survey identifies as something consumers want to know. Current U.S. food labeling requirements are based on the attributes of the food itself, such as nutritional composition, ingredients, special safety considerations such as presence of allergens and requirements of handling and safe use.

This was pointed out by the previous administration in a letter to the EU concerning biotechnology. Every additional piece of information we require on a label by government mandate diminishes slightly the information that is already there.

I have heard that Americans know where their shirts are made, Americans know where their cars are made, but not what they are putting in their mouth. I say what is wrong with this picture? Those who say that are right, we do not know where these things are made, but these items do not have to participate under guidelines even remotely similar to those included in the current COOL law. Members will notice their shirt may say ''Made in the USA,'' but it does not say where the cotton came from or where the dye that went into the shirt came from.

Be careful what we ask for when we stand on this floor and say we want to mandate something, just in case we get what we are asking for. Every single beef producer group that testified in front of the Committee on Agriculture testified very clearly that this is a marketing issue and not a food safety issue. Too many of us in this body right now tend to mix the two together in saying that meat that does not come from the United States is not safe. Please do not send that message to the consumer because the consumer today in America has the most abundant food supply, the best quality of food, the safest at the lowest cost to our people of any other country in the world; and when we begin to suggest that unless there is a certain label there will be a problem with the safety of the food, it is dangerous for producers. That is why most producers do not support the full intent of this law, and that is to mandate something that no one has yet figured out how to do.

We exempt most meat from even the applications of the law. Restaurants are exempted, for example. So let us be careful as we vote on this amendment today. And again I point out, this is not a food-safety issue. This is a marketing issue. If we are going to deal with the food safety, and I fully concur and fully intend to be back on this floor very, very soon with a food safety component, trace back. Our producers today are beginning to look at how can we truly certify where our meat comes from from a BSE standpoint. In Canada, they have a trace-back system. We do not have a trace-back system yet, but we will have one soon because producers all over the country recognize that we must have a way of tracing. We do not have it yet, but we will have one that will be supported by a majority of our producers.

This is one of those things that gets very emotional because there are those that tend to mix this up with food safety. I want to repeat for the third time, this is not a food-safety question. I absolutely support identifying where all food products come from to the best of our ability. I happen to believe, for example, that American lamb identified as such and Australian lamb identified as such is something that the consumer ought to know. We are working to get that kind of agreement and do it in a way that makes sense.

But if we implement this in the way that those who support this amendment are suggesting today, we are going to create some tremendous uncertainty. This has all kinds of trade implications. It has all kinds of food-safety implications. With all due respect to those offering this amendment, it is interesting that most of the producers supporting this do not deal with Canadian or Mexican cattle. If we want to ban all Canadian cattle, all Mexican cattle into the United States, then be prepared to have all United States cattle banned from country after country after country, because under trade agreements, reciprocation is something that we truly agree to. I urge Members to oppose this amendment and support the delay, not circumvention of the law, but a delay to get this right.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to observe one thing. The history of this country has demonstrated that every time there is an effort to provide additional regulation or additional oversight in order to help workers or help farmers, or to help little guys against the big guys, somehow it is always too costly. We cannot provide the minimum wage, we cannot provide wage and hour protection, or this or that because it is going to cost too much.

Well, I would bet if we conducted a poll of consumers, that they would, by overwhelming numbers, say that they want this provision to go forward. We have a tremendous debate in this country going on about the virtues of globalization. As far as I am concerned, globalization is inevitable; it is going to happen, and we need to figure out how to adjust to it. But I also note that in that debate you have numerous forces in this country who under the rubric of globalization would lead you to believe that there is still no legitimate amount of room for discussing the virtues and values of home-grown products, whether it is automobiles or farm products.

I suggest to Members that even if we take the assertion of the gentleman from Texas at face value, and I do, let us say that this is not a consumer health issue, let us say this is not a food-safety issue, let us say it is simply a marketing issue.

□ 1400

This is a marketing tool that our producers have a right to have. This is a marketing tool that I assume is the reason that the Farm Bureau and the Farmers Union both have indicated their support for this provision. Our consumers want to know where the stuff that they eat comes from and our farmers want to know that they can demonstrate pride that it is their home grown product. This amendment is the only way that we are going to let them exercise that right.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), vice chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

Mr. LATHAM. Mr. Chairman, I thank the subcommittee chairman for the yielding me this time, and I rise in reluctant opposition to this amendment.

First of all, I want to say, no one through the whole process on this issue has ever contended that this is a food safety issue. As the ranking member of the authorizing committee said three or four times, it is very true, this is not an issue of food safety in any way, shape or form. The reason I oppose this amendment today is in support of our independent producers.

I would just like to give a little scenario about what is going to happen if this is enacted. All we are asking for here is a time-out to study the issue more closely before a mandatory system is enacted. But what we are going

to see is a system where independent producers are going to bear the cost of implementation of this law, and anyone who thinks that the packers really care about the cost on this are totally mistaken. The fact of the matter is, Mr. Chairman, any kind of cost that they would incur is going to result in reduced bids to the independent producers out there who do not control the price that they get for their products.

The situation in my State is that we have Canadian pigs coming into Iowa to be grown out primarily by independent producers. If this is enacted, we are going to see the large conglomerates start from raising, farrowing their own hogs, growing those hogs out, killing those hogs, putting them in their own labeling package, marketing themselves. Those are going to all say ''USA.'' The independent producers' animals are going to have to say that they were bred in Canada or wherever they came from and are going to be discriminated against.

The issue here is, do we preserve our independent producers? We talk about vertical integration in the livestock industry. Nothing is going to bring it on faster than provisions like this that will hold the independent producer accountable but not the major, multinational companies.

So I just stand here in support of the independent producers and look at the mandate that is going to be put on them and what it is going to cost them.

The one question I have asked producers, in what way, shape or form is this ever going to put one more cent in your pocket, in your bottom line? No one has been able to answer that question. So I think we have to step back, take a look at this, and understand all of the ramifications of this issue.

Also, Mr. Chairman, I have to look at the cost to the consumer out there when we talk about the additional costs that are going to be borne by the retailers. Who is going to pay the bill? The consumers who walk in and buy that at the counter are going to absorb the cost. So, in support of independent producers and consumers, I reluctantly say that we should oppose this amendment and support our independent producers.

Mr. REHBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank my colleague from Montana for yielding me this time. I rise in strong support of my colleague from Montana and my colleague from Oregon's amendment on meat origin labeling.

The opponents of this amendment argue complexity and delay. I want to offer simplicity and probably brevity here. We created the strongest securities and financial industry in the world by asking for disclosure, labeling and disclosure a few decades ago. That was opposed tremendously by the industry at that time. However, I believe that many segments of the industry would support that today because that disclosure has been helpful to the securities and financial industry.

As previously pointed out, I would like to make a point that labeling, I believe, is a good thing. I can look at the back of this tie and determine that it is made in America. I can look at the labeling in this suit and determine that it is made in America. If I go to the cloakroom right now and eat a hot dog, I cannot tell where that product came from. It comes down to this. I think it really is very, very simple. People ought to know and people ought to be able to choose. As your mothers and your grandmothers admonish you, you are what you eat. I ask this Congress to support this amendment so that people can eat American and be American.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY), a Member who is considered an expert in this field.

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. I think we need to reflect on why the National Beef Cattlemen's Association and why the National Pork Association, who represents the majority of producers of those livestock commodities which are subject to this mandatory labeling, why they oppose this. They oppose this legislation because they realize that it is going to result in additional cost to their producer, be they small or be they large.

They also understand that this also is not a health issue, and they make a distinction on what is the appropriate role of government in terms of placing mandates on producers and that we should have mandates when we have an issue that is related to the health of consumers, but we should not have a government mandate when it relates to a marketing issue. That is what this measure is all about.

We have had a number of my colleagues that have got up on the floor and said, we have labeling of our items of clothing that we wear. But we do not have labeling on our clothing that we wear that tells where the wool came from, where the cotton came from or any of the products that are part of this. We only know where this product, where this clothing, was actually manufactured. We are going far beyond that in this approach.

There is nothing in law today that precludes producers from having the opportunity to voluntarily label where their beef or pork or meat product came from. That is the appropriate tack I think that we should be taking today. We should once again I think back up and at least have another time-out, which is what the chairman's proposal does, to give the industry more time to understand how we can move forward in a more responsible manner.

This amendment that is on the floor today is one which will, unfortunately, cost producers the most. And what also I think is very apparent, it is going to create an unintended consequence of exposing producers to liability, exposing them to private rights of action by groups that might be motivated by welfare issues, by a whole host of issues that will now have an opportunity to seek legal and civil recourse against a lot of small and large livestock producers. That is not what we should be doing with this legislation.

Mr. REHBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. I think the gentleman from Montana for yielding me this time.

Mr. Chairman, I rise today as the gentleman from Iowa (Mr. LATHAM) said he was reluctantly opposing, I am reluctantly supporting this amendment. I have kind of been back and forth on this. But I think it is the best way for us to resolve this issue if we can keep the mandatory provision in place.

The main reason I am supporting this is that we should not be dealing with this issue in the Committee on Appropriations. This issue should be dealt with in the authorizing committee. I was ranking member on the Subcommittee on Livestock and Horticulture for many years and worked on this issue on the voluntary and all the other things. I was on the farm bill conference. The big problem here is that the language that was put into the farm bill is bad language, and it needs to be fixed. It has got problems. The authorizing committee ought to do that.

I totally agree this is not a food safety issue. It gets mixed up. It is a marketing issue. But I think people need to understand that we are arguing something that we do not even know what it is going to be. The rule has not been developed. There are people out doing studies saying it is going to cost this much. We do not know what it is going to be because there has been nothing that has been put forward at this point.

I would just like to point out, people have brought up this issue of marketing versus food safety. In the food safety area, we have had this BSE issue in Canada and everybody has read about that, but I do not know if people understand how it is that we guarantee in this country that we are BSE-free. You talk about the complications of this system. What we are doing in the BSE area, the food safety area, we are asking producers to sign a self-certification that they have not fed animal parts to cattle in this country and that they have not used certain kinds of antibiotics. It is self-certified, very simple and does not cost anybody hardly anything. I am arguing that the same thing could be done with the marketing aspect of this COOL. In other words, if this is good enough to guarantee that we do not have BSE in our livestock, then why is it not good enough to certify that this is where the livestock came from?

My point is that this could be implemented in a way that is not very expensive to producers. These issues that

are there are caused by the way the law was written, and it was inserted into the farm bill, and, frankly, I do not think we took enough time at that point to go through that and fully understand the implications.

So I think that the Committee on Agriculture ought to be dealing with this. I think that there are problems with the law. There are potential problems with implementation. I do not think there has to be. But it ought to be dealt with in the Committee on Agriculture and not on the floor of the House and not in the Committee on Appropriations in my judgment. I think the administration ought to have been out there with some rulemaking at this point so that we had some better idea what they are intending to do.

I am going to support this amendment. I think if we keep this in the law it is going to make the committee move faster. We will then be able to resolve this. Because I think, in the end, people want to have the food labeled. It is just a question of how we get there. I think there are simple ways that this could be done that are not going to cost people a lot of money. I encourage the adoption of the amendment.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY) who has a great expertise on this subject.

Mr. THORNBERRY. Mr. Chairman, I commend the chairman of this subcommittee for his leadership on this issue and trying to get a little common sense back into what has become a very difficult issue.

Mr. Chairman, this provision was added into the farm bill without a single hearing. Nobody actually in the business came and talked about how you do this and exactly what you do. It sounds good, that we all ought to have a label that says where our meat comes from. The problem is when you start working through how you implement it, it gets very complicated.

Let me just mention a couple of ways it gets complicated.

Number one, the underlying law exempts about 75 percent of the meat that is consumed in this country. If you eat it in a restaurant, it does not count. It is not labeled. If it is hamburger or other sort of processed meats, it does not count. It is not labeled. If it is chicken, if it is turkey, you do not get a label.

We have heard over and over that the consumers have a right to know. If the consumers have a right to know where their meat comes from, they have a right to know where 100 percent of their meat comes from rather than 25 percent of their meat; and so the effect of this is that we are adding a regulatory burden on 25 percent of the meat. That leaves 75 percent of the meat which is at a competitive advantage because of a government regulation. That is not right. It is time to step back and figure out how to do this thing right.

Number two, we hear over and over again how this is really going to be good for producers, that this is a market tool and they ought to be just loving having this opportunity. I would say that if producers see an opportunity to make money, they are going to take advantage of it. There are efforts in the beef industry today, the certified Angus program and other things have been very successful, but that is different than a government mandate that tells you what you must do.

It is not the big grocery stores that are going to pay this burden, it is not the big packers that are going to pay this burden and, in some ways, it is not even the largest cattle feeding operations. The people that are going to feel this burden are the cow-calf producers who have got to figure out some way to understand this regulation and then go comply with it before anybody will buy their calves, and then the stocker guys who take the calves and try to fatten them up before they go to the feed lot, those people on the low end of the production scale. So when we talk about big guys versus little guys, we ought to understand that this is a mandate that is going to be paid for by the little guys in the operation.

We have heard it over and over again that this is not a safety issue, this is a marketing tool, and we are going to make you do it whether you like it or not. That does not make sense. What makes a lot more sense is to take a time-out as the underlying bill does, give the Committee on Agriculture a chance to go and talk to producers as well as grocery stores and packers and consumers, people up and down the chain, and see how you can make something that works and actually makes sense.

□ 1415

This underlying law is not it, and I would say that anyone who wants to justify the underlying law has a very steep hill to climb.

Mr. REHBERG. Mr. Chairman, who controls the time as far as closing?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from Texas has the right to close.

Mr. REHBERG. Why would that be if it is my amendment?

The CHAIRMAN pro tempore. The gentleman from Texas is the manager of the underlying bill. He reserves the right to close.

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

Mr. Chairman, there is a lot of talk about experts on this floor. I am a member of the National Cattlemen's Association not because I am a Member of the Congress but was because I am a cattle producer. Less than 3 years I was on the ranch, running 147 cows, seven bulls, 2,000 cashmere goats. In Montana we know where our product comes from, and we know where it goes. It may not be a safety issue until one needs it.

Let me read this article again: ''In June, officials learned five bulls from a Canadian herd linked to the Alberta cow with the disease were sold to a Montana ranch in 1997.'' 1997. ''The paper trails created by the State's inspection process traced in less than 20 hours where the bulls had been and where they ended up.'' That is not bad. We know where they came from. We know where they went. And if we had not had that opportunity, it would have shut our borders down too. It would have been devastating to our industry.

I am amazed that there would be any opposition from any party in this country to know where their cattle come from, where their meat comes from so that we have the ability to tell people where it has gone in case these kinds of situations occur. So one can say it is not a safety issue until such time as one needs to know where they came from and where they went.

This provision within the farm bill does not even take place, it does not become implemented until September of 2004. That is plenty of time. And to the gentleman from Texas when he talks about the fact that it is a delay of 1 year, no. If they had wanted it to say only a delay for 1 year, the amendment in the subcommittee would have said that, and it does not. If they want to put that in, we can talk about that; but we are not at that point because what this does do is if they do not vote for my amendment, they in fact will stop, they will kill because nobody within the administration will spend any money on it because it says they cannot implement it. So there is no ability to spend money on it. Trade implications, yes, there are trade implications to this. But not to the extent that they are talking about.

Again, I repeat, Japanese officials said that trade would be banned beginning September 1 if the United States cannot certify that exports contain no Canadian beef. How can we do that if we do not keep track of our country-of-origin labeling? Volunteerism, that is great; but that is smoke and mirrors. It is never going to happen because our retailers, our packing plants will not play with us little guys. I know because I felt the victim sitting back on my ranch with 147 calves wondering what my price was going to be. I was a price taker, not a price maker. Little guys like me do not make price. The big guys do, and an entire industry was created in Texas for the very purpose of taking advantage of importing cattle from foreign countries to mix with ours, to take advantage of our good products, entire industries.

So there is no doubt there is another State standing here on the opposite side. There is no doubt that they would be parochial as I would be parochial, but do the Members know what? I live along the border, and we do in fact have the Northwest Compact. We do business back and forth. But all we are trying to do is create an opportunity to

be proud of American beef, to give us the opportunity to take advantage of an opportunity to showcase what we do for the American consumer. We have had opposition against this all along the way, and it has not ended. And when our chairman of the subcommittee talks about appropriateness, the appropriate place to have killed this bill with this proposal would have been in the farm bill or introduced legislation, but not to take the funding out from underneath or the implementation because what they are in fact saying is we did not want it before, but we want to win it behind closed doors.

And I have come to the conclusion, and I have been in this business a few years both as a State legislator and as a lieutenant governor, people support reform as long as it does not change anything. And that is what we are seeing here right now. Nobody wants to change anything because they are kind of comfortable with their position in the marketplace. I do not market. True, I do the best that I can on my little 147-cow operation, but I will tell the Members who does the marketing. It is the big guys.

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

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman from Texas (Chairman BONILLA) for yielding me this time.

I rise today in opposition to the amendment offered by the gentleman from Montana (Mr. REHBERG) and the gentlewoman from Oregon (Ms. HOOLEY). I applaud the gentleman from Texas (Chairman BONILLA) for including a provision in the agriculture appropriations bill that would limit USDA funding for the implementing of the mandatory country-of-origin labeling for meat and meat products. The country-of-origin labeling law as written clearly requires more congressional attention before going into effect by September 30, 2004. I have friends on both sides of this issue, and I always support my friends. I support my friends with this amendment by cautioning them against the hasty implementation of unintended consequences that no one has yet fully researched, and I support my friends on the gentleman from Texas's (Chairman BONILLA) side by saying this is something that we do not need to do now. Recognizing there are many concerns among producers, processors, suppliers and retailers, the House Committee on Agriculture held a hearing on June 26 for witnesses to discuss how mandatory country-of-origin labeling will affect them and their respect to industry. The hearing raised many questions, and the livestock witnesses specifically pointed out that there is tremendous potential for unintended consequence.

As chairman of the Subcommittee on Livestock and Horticulture of the Committee on Agriculture, I intend to hold further hearings on this matter. The U.S. Department of Agriculture has held 12 listening sessions across the country from April to June of this year to allow those who will be affected by the law to voice their opinions. This was in addition to the numerous other producer and trade association meetings they have attended to discuss this law.

Country-of-origin labeling is not a new concept. The Subcommittee on Livestock and Horticulture held hearings on the issue during previous Congresses, and it was debated at some length during the House committee's consideration of the 2002 farm bill. The committee voted not to include the provision because there were too many unknowns about how this would affect producers. When the farm bill went to the floor, an amendment was added to label fruits and vegetables only.

As the Senate created their version of a farm bill, a provision was expanded to include beef, pork, lamb, fruits, vegetables, wild and farm-raised fish, and peanuts. I think it is important to note that the Senate held no hearings and had no debate on how producers and the industry would be affected by country-of-origin labeling.

I have heard concerns from many of my constituents about this issue, predominantly my livestock producers. I can tell the Members that not one of them has said this law will bring additional revenue or market advantages. They all express their deep concern that this law instead will bring them undue burdens and headaches in order to be in compliance. Unfortunately, a ''fire, ready, aim'' approach led to the creation of the country-of-origin labeling law. This issue clearly needs further attention, and delaying the implementation for meat and meat products is a step in the right direction. I would like to reiterate that this provision only affects meat and meat products. The current law will continue to go into effect for fruits, vegetables, wild and farm-raised fish, and peanuts. I urge my colleagues to support the appropriations bill and reject the Rehberg-Hooley amendment.

Mr. REHBERG. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I have no requests for time, and I continue to reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I consume.

I want to thank the chairman of the subcommittee for this good consideration today and my colleagues for speaking on behalf of my amendment.

I have not been around the Congress all that long. This is my second term. I was confronted with a brand-new farm bill. That is one way to get your feet wet, drinking out of the fire hydrant, stepping into the middle of that. When I hear the debate about the fact that there has not been enough conversation, enough debate, we do not know where this is taking us, I remind my colleagues that this does not get implemented until September of 2004. We have got well over a year to continue the hearings, to continue the work on it. Congress can continue to have hearings. We can help the process along the way and develop the right country-of-origin labeling.

During the farm bill discussion that I was confronted with as a freshman, the country-of-origin labeling debate consumed 25 percent of the markup dialogue, 25 percent. So why are certain people reluctant to want to have beef or other meats labeled? Because they want to have the ability to blend cheaper products from other places for the purposes of marketing themselves. But are we seeing the cheaper price at the consumer level? Not always.

It is interesting to watch the marketing of our meat products throughout this country. If the beef guys jump up and complain, somebody steps forward and pushes pork in front of them or they might push chicken in front of them. We at the local level, us small guys, do not control the marketing. We need this avenue. We are proud of our product. And at a time when we are in a recession, at a time when much of American agriculture is flat on its back, we need the opportunity to say America matters to us in agriculture, America matters to the consumer; and if we can marry the two, our agricultural producers throughout this country, the mom-and-pops in Iowa and Montana and Texas and California and Georgia and Connecticut will all know that they have done a good thing because we have said American products matter.

We are not banning anything from a foreign country. We are not trying to create a competitive disadvantage. All we are trying to do is say give us the opportunity, us small guys to have the opportunity to have mandatory country-of-origin labeling so we know where our product is coming from, so we can take great pride in the product that we produce.

The country-of-origin labeling gives American shoppers a choice. It gives American farmers and ranchers fairness. It gives us the opportunity to say buy America. Please support this amendment. Support the country-of-origin labeling.

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

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

Once again I want to reiterate that often times in this town, unfortunately, truth and substance are set aside and emotional pleas are made in order to advance a certain cause. The opposition to this amendment is supported strongly. The opposition is strongly supported by thousands, millions of red-blooded Americans out there who are either producers or they are part of the processing of meat. They are running grocery stores in neighborhoods all over the country. They do not want this provision implemented until it can be studied further

and analyzed and done the right way. And again ultimately if this is implemented, the bills at the grocery store, there will be sticker shock in many of the grocery aisles out there as Americans wonder what happened; how did Congress implement such a libelous costly regulation so quickly without even taking the time to do so.

And let us also understand that any producer out there can now put labels on whatever they would like. There is an implication here somehow that there is some prohibition now on putting a label on any meat product. They can do that now today anytime they want. Also the implication somehow that this is going to threaten our food supply, I am delighted that many of the authorizers have stepped forward today in a bipartisan way to state clearly this is about marketing, this is not about any kind of food-safety issue.

This is, again, a 1-year prohibition on implementation or promulgation or developing of any regulations. So, again, the misinformation that has been presented that this is somehow an effort to kill this permanently is misguided. This appropriations bill simply runs for 1 year.

Finally, I would like to state very clearly that the Bush administration, the administration has put out a statement saying that the administration supports the committee's position on country-of-origin labeling for meat or meat products. So there is strong bipartisan support for our position on this issue. Everyone, again, from the chairman of the authorizing committee; the ranking member; the gentleman from Texas (Mr. ORTIZ), of the Congressional Hispanic Caucus; the gentleman from Mississippi (Mr. THOMPSON) of the Congressional Black Caucus, again across the board the widespread support that we have on our side in taking a position I think is very clear.

And, again, if we would look at the substance in truth about what we are debating here, we would hope to defeat this amendment resoundingly.

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

Ms. DELAURO. Mr. Chairman, I rise in support of the Rehberg-Hooley amendment, which strikes the provision in this bill that prohibits USDA from implementing mandatory country of origin labeling for meat and meat-products.

Country-of-origin labeling is about giving people the information they need to make an informed choice to protect the safety of their families. Thirty-five countries we trade with including Canada, Mexico and members of the European Union already have a country-of-origin labeling in place. And American families recognize the need for this labeling—7 out of 10 people say they are willing to pay more to know where their food is coming from. At a time when food imports are increasing, but the number of inspections of imported meat is actually decreasing, consumers deserve that right.

And given the record 57 million pounds of recalled meat last year, this effort is also about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of that process so that we can quickly take action to prevent people from getting sick. This is critically important considering the 76 million sicknesses and 5,000 deaths that occur every year from foodborne illness.

Some have argued that halting implementation of country of origin labeling for meat is to allow more time to consider the impact of the program on the food industry. But Congress already gave the USDA more than 2 years to design a program that is fair to all parties, including industry and consumers. Under that timetable, labeling is not scheduled to become mandatory until fall of 2004.

Mr. Chairman, country of origin labeling will not violate trade agreements or lead to retaliation. It will not bankrupt the food industry. It will simply let consumers know where their food comes from. We owe the American people that. Support the Rehberg-Hooley amendment.

Mrs. LOWEY. Mr. Chairman, I rise today in support of Rehberg-Hooley amendment which would preserve country-of-origin labeling (COOL) requirements.

As many of my colleagues know, in 2002, provisions were added to the Farm Bill requiring grocery stores and similar businesses to provide country-of-origin information for all fresh and frozen fruits and vegetables, red meats, seafood and peanuts.

However, during the subcommittee markup of the Agriculture Appropriations bill, language was added barring implementation of these provisions.

Mr. Chairman, we were elected by the people of this country because they believe in our ability to represent their views. We passed the original legislation requiring country-of-origin labeling because our constituents want the information they deserve to make informed food purchase decisions for their families. We passed this legislation because our constituents want additional steps taken to prevent the potential spread of diseases such as mad cow, which we know was recently discovered in Canada. We passed this legislation because our constituents want special protective measures put in place to prevent tampering with respect to our food supply.

The provision currently in the bill would keep the American people in the dark by refusing to fund efforts to implement country-of-origin labeling for meat and meat products. We cannot let that happen. I encourage support of the Rehberg-Hooley Amendment.

□ 1430

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

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

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

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

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that we have 10 minutes for debate on this amendment, 5 minutes controlled by me and 5 minutes controlled by the gentleman from Texas (Chairman BONILLA).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. HEFLEY) is recognized for 5 minutes.

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

Mr. Chairman, I rise today to offer an amendment that would cut discretionary spending in the Agriculture, Rural Development, and Food and Drug Administration spending bill by 1 percent. This bill, as it is currently written, appropriates $17 billion in discretionary spending, and reducing this funding by a mere 1 percent would leave us with a funding level of $16.83 billion.

I hasten to say to the gentleman from Texas (Chairman BONILLA) that I am not doing this as a recrimination of the job that he or his committee has done. It is my intention to offer this or similar amendments on almost all of the appropriations bills. I had an amendment such as this drafted for the labor bill last week, and somehow or other it got lost in the shuffle, and we did not get it on. But I intend to do this on most of the bills.

There are many good things in this bill, so I am not singling this bill out to attack. I do this in recognition of the fact that we should not be spending money that we simply do not have.

Current CBO projections indicate the Federal Government is likely to end fiscal year 2003 with a deficit of more than $400 billion. Instead of continuing to increase spending, I submit that we should exercise fiscal restraint and work to alleviate shortfalls. Yet we continue to pour money into programs with little concern for current economic considerations.

While I realize that some programs funded under this legislation are receiving a decrease from fiscal year 2003, there are still a number of programs receiving substantial increases, and let me just highlight a few of these programs. The rural housing loan authorization is funded at $4.4 billion, an increase of $208.7 million over last year and $45.7 million over the President's budget request.

Distance learning and telemedicine program loans are funded at $636 million, which is an increase of $256 million over last year and $250 million above the President's budget request.

Conservation operations funded at $850 million, an increase of $30.4 million over last year and $136.4 million over the President's budget request.

I am not attacking these individual programs. These are good programs. But I am simply asking, can we afford these kind of increases? Clearly, balancing the budget is no longer a priority in this Congress. I think it should be. So I ask Members to support the 1 percent modest reduction in this legislation.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to control the 5 minutes in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I want to thank the chairman of the appropriations subcommittee for yielding me this time in strong opposition to the amendment offered by the gentleman from Colorado.

I would say to the gentleman that I have supported his amendments from time to time, but I do not believe he has looked at the facts here. We are $872 million less than last year right now. That is far greater than the 1 percent cut the gentleman is asking for. So we have already done the work that he has asked for in this case.

Secondly, because of the fact we are already taking that huge a cut, I can only say that the gentleman's amendment constitutes an assault on rural America. This is something that we simply cannot tolerate.

The gentleman cited the few areas where there have been some significant increases, one of those being telemedicine. As the gentleman knows, the telemedicine program is designed to link rural America, people in clinics and small hospitals and other rural outposts, where they can get some health care treatment, with the major university hospitals that get all the health care money in the first place.

So if you cut out the money that allows them to tap into really good health care provisions by being able to access them, and we held a hearing on this subject in the committee just a couple of weeks ago on the demonstration of the technology that can now reach rural America, if we are able to get these thousands of sites in small communities across America, which does cost a lot of money, and that is why I am pleased the chairman of the subcommittee has put an increase in there for this, if you cut that out, you are doing a lot more than just cutting out that money. You are cutting out the ability of folks in the smallest communities in the country from being able to finally get access to the kind of quality health care that people in large urban areas have, because they will be getting it from the same doctors with the same expertise drawing those same big salaries at those universities hospitals, and now they will be able to reach the smaller communities.

So I would encourage the gentleman to look elsewhere for the kind of savings that he is talking about here. I urge my colleagues to oppose the amendment.

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

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

Mr. Chairman, I would thank the gentleman from Virginia (Mr. GOODLATTE) for making some excellent points in opposition to this amendment. He is absolutely correct.

Over $872 million is the figure that we are under last year's budget. We are $136 million under the budget request. I would ask the gentleman proposing the amendment, is this not enough? We are learning to tighten the belt. We have cut the budget. We are lowering spending on this bill and still trying to deal with the needs in this country, that this country has in the areas of agriculture. So I cannot more firmly state my opposition to this amendment offered by the gentleman from Colorado and would respectfully ask him to withdraw the amendment.

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

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

Mr. Chairman, I would say to the gentleman from Virginia (Mr. GOODLATTE), I was not suggesting that telemedicine is not a good thing for rural America or some of these other things. I am simply saying there are many spots in the agriculture bill where you could find the 1 percent I think that would not hurt rural America. I certainly do not mean to make an assault on rural America.

For many years, every week I give a Porker of the Week Award for what I consider to be wasteful spending. There is no department in the Federal Government that has not received that award, and all of them have received it at one time or another, defense, which I am most interested in, and others have received it. There is no department that has received it more than the Department of Agriculture over the years.

There is 1 percent there. I would hope we would take that 1 percent out. I do commend the gentleman from Texas (Chairman BONILLA) and the committee on the cuts that have already been made. I just think we can go a little further.

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

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

Mr. Chairman, at this time I would just once again state my strong opposition to this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. HOLT

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

The Clerk read as follows:

Amendment offered by Mr. HOLT:

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

SEC. ____. For the program of public education regarding the use of biotechnology in producing food for human consumption, as authorized by section 10802 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 7 U.S.C. 5921a), $1,000,000, and the amount otherwise provided by this Act for ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'' is hereby reduced by, $1,000,000.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Chairman, the amendment I am offering today will provide $1 million to establish and develop the food biotechnology public education program that was authorized in the Farm Act, H.R. 2646, during the 107th Congress, but was never funded.

The use of biotechnology, such as to produce genetically engineered foods, has the potential to improve yields of nutritionally enhanced foods with less land, reduced use of pesticides and herbicides, can benefit farmers, consumers and the environment.

The history of agriculture has indeed been a history of progress. Now there is an immediate and critical need for accurate information, both on food production systems that have provided the American consumer with a diversified and healthful food supply, and on the role of this new technology in food production. It is only based on clear, accurate, and scientific information that consumers can make sense of the often sensational risk and benefit claims reported and rumored.

In 1999, for example, the journal ''Nature'' published a study suggesting that pollen from genetically modified corn would harm the monarch butterfly population. This sparked a worldwide controversy. Follow-up studies have shown since that the pollen presents no significant danger to monarchs, but the foundation of fear based on emotion had been set, and soon other nonscience-based allegations about biotechnology emerged.

I have been asked if this amendment is an anti-biotechnology or a pro-biotechnology amendment. I would argue that it is an anti-ignorance amendment. It is not to say that biotechnology is always benign under all circumstances; but consumers, researchers, and farmers will benefit from a public that is well informed and engaged in the debate about food biotechnology.

Although food biotechnology has immense potential, consumers and farmers have legitimate concerns regarding the safety of genetically engineered foods. No one, however, is served by assertions from ignorance. It is appropriate for the government to provide the public with clear evidence-based information that helps consumers, policymakers and others make informed choices about food.

I urge my colleagues to support this amendment, so that the Department of Agriculture will have the necessary funding to carry out this authorized program and so that the public will be best informed.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman raises some very legitimate points about the need for funding in this area. However, this amendment was presented to us at the 11th hour, and it is not even clear under the language of this amendment how this money would be administered. So we would be delighted to try to work with the gentleman down the road between here and conference to see if we can do something on this. However, at the 11th hour like this, when we are presented with an amendment, I must oppose it at this time.

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

Mr. BONILLA. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment actually is silent on exactly how the money would be allocated within the Department. Perhaps it could be through the Food Safety and Inspection Service. But the point is, this is authorized, and it is provided for under the authorization; and I think it will be easy to fit into the Department's public education activities.

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

Mr. BONILLA. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I would ask the gentleman from New Jersey, because I appreciated his comments about biotechnology and we certainly do want the public to be educated about this, if he would not take up the offer of the gentleman from Texas, the chairman of the subcommittee, to work with him. Withdraw the amendment, work with him, and see if there is not something that can be done as we move to conference, because not knowing exactly how this money would be spent is sort of like writing a blank check.

I think if we had a little more cooperation and a little more communication about what we intended, then the Congress could actually be the ones to specify that, and there might be some merit in the gentleman's position.

Mr. HOLT. Mr. Chairman, if the gentleman would yield further, let me ask the chairman of the authorizing committee if he did not have in mind how this would be administered in the Department of Agriculture.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, let me say I was not the chairman at the time the farm bill was written, so I do not know the history of the intent in the language in the farm bill. But, again, this is something that has just been brought to my attention, and we would be happy to look into it and see what we can find in that regard and try to achieve some specificity in terms of how the dollars are going to be spent, if indeed we can do that. That, of course, is up to the chairman of the subcommittee, but I would certainly stand willing to work with the gentleman to try to find the right formula and the right dollars that he has to squeeze out of an already-tight process to do something in this area, because I think what the gentleman from New Jersey is proposing is worthwhile.

□ 1445

Mr. HOLT. Mr. Chairman, if the gentleman would yield again.

Mr. BONILLA. Mr. Chairman, I am happy to yield.

Mr. HOLT. With those assurances from both Chairs, recognizing that the public debate is raging on and the need for this public information is now, I would be willing to withdraw my amendment and to work with the chairman, with the expectation that we can work something out in the coming months in this session of Congress.

Mr. BONILLA. Mr. Chairman, reclaiming my time, we would be happy to have our staffs work together on that.

Again, just hearing about this amendment at this time, it is not realistic to say we are going to guarantee a solution, but I think that the history that we have on this subcommittee to try to work with Members to work through these problems is real, and we would be happy to do that.

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

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BONILLA

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

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 29, line 15, strike all after the word ''Service'' through, and including, ''(16 U.S.C. 3841(a))'' on line 20.

Mr. BONILLA. Mr. Chairman, the purpose of my amendment is to strike a provision from the Conservation Operations account that prohibits the funds in this account from being used to pay for the salaries and expenses of personnel to provide technical assistance for several mandatory conservation programs.

This amendment is in keeping with an agreement that I made with the chairman of the Committee on Agriculture, the gentleman from Virginia (Mr. GOODLATTE), in hopes that we can ensure that there are adequate funds available for conservation technical assistance. I would point out that the 2002 Farm Bill included an increase of more than $17 billion for conservation programs, but I am committed to work with the chairman to try to come up with the solution to funding of conservation technical assistance.

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

Mr. Chairman, I will not use the 5 minutes. I just want to say to the chairman of the Committee on Appropriations Subcommittee on Agriculture that this amendment is pursuant to discussions that we had and we very much appreciate his offering it. We think that this will be very helpful in making sure that conservation dollars actually reach the people who need it: America's farmers and ranchers. This will also help to resolve some of the issues regarding the allocation of those funds.

So I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

Ms. BORDALLO. Mr. Chairman, I move to strike the last word. I rise for the purposes of entering into a colloquy with the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member.

Mr. Chairman, last year's farm bill authorized the Resident Instruction and Distance Education Grants Program for the Insular Areas to address the critical agricultural research needs of the Land Grant Universities in the U.S. territories and Puerto Rico. We receive very little by way of formula funds, t-star grants, and other special grants.

Existing programs simply do not orient themselves toward the Land Grant Universities in the insular areas. Additionally, our universities have seen no money under the National Research Initiative, the flagship agricultural research program. While our institutions are 1862s by definition, they have only been established as Land Grant Universities for the past 3 decades. This, coupled with the decline in funds for the Cooperative State Research, Education, and Extension Service overall, makes competing with other institutions very difficult. So last year Congress authorized a new funding mechanism to provide competitively awarded grants to meet the unique needs of this underserved set of universities.

This new authorization is especially important to the Land Grant Universities in the insular areas because it will help them to develop education and training programs while working in collaboration with leading U.S. universities on the mainland, building on their expertise and helping us to make the best possible use of limited program dollars.

This year's appropriation bill has no funds whatsoever for this new program. As the Land Grant Universities in the insular areas face many critical agricultural research needs, including food safety and security, health and nutrition, and the environment, I am hopeful that this new program will be funded in the near future. Although my request to fund this account in this cycle has not been met, I am grateful for the inclusion of report language that speaks to this need. I know that the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), our ranking member, are supportive of the Land Grant Universities in the insular areas, and I urge them to utilize this new program to ensure the survival of these institutions.

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

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

Mr. BONILLA. Mr. Chairman, I would like to thank the gentlewoman for bringing this matter to our attention. It is a very important issue. We recognize the needs of these institutions to be unique and deserving of additional support. The committee has included report language encouraging the Department to better assist the Land Grant Universities in the insular areas and provide us a report describing what steps the Department is currently taking to meet their unique needs.

I look forward to working with the gentlewoman and delegates to ensure that the needs of the Land Grant Universities in the insular areas are met the best way we possibly can.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to commend the gentlewoman from Guam for bringing these issues to our attention and to say what a great leader she is on agriculture for the insular areas. We really, without her leadership, would not have been made aware. I know both the chairman and I, as ranking member, are very grateful to her, and we look forward to working with her through conference and for a final bill to be produced.

Ms. BORDALLO. Mr. Chairman, I will place in the RECORD at this point a statement from my colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as a joint letter signed by myself, the Resident Commissioner of Puerto Rico, the delegate from the Virgin Islands, and the delegate from American Samoa.

U.S. CONGRESS,
Washington, DC, March 19, 2003.

Hon. HENRY BONILLA,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, House Committee on Appropriations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to request that $15 million be provided in the Fiscal Year 2004 agriculture appropriations bill for the Resident Instruction and Distance Education Grants Program for Insular Area Institutions of Higher Education. This program was authorized by last year's Farm Security and Rural Investment Act (Sec. 7501; Public Law 107–171) to strengthen instruction, curriculum and research in the food and agricultural sciences. With this funding the program would enhance the quality of teaching and learning at our nation's land-grant universities in the U.S. territories.

Collaboration between faculty and students at institutions of higher education in the U.S. territories with colleagues in the U.S. mainland is particularly challenging given the distance between them. Current fragile economic conditions in the U.S. territories also compound the challenges posed by their geographic isolation. Nevertheless, these institutions boast sound and reputable programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agriculture production and delivery systems. The primary and secondary science and agricultural teachers of these institutions often lack proper credentials though. A distance education program is desperately needed by these educators. Because of the high cost of shipping to the U.S. territories, food costs are high and families are often forced to make unhealthy choices. These unhealthy choices compound an already high incidence of chronic diseases such as diabetes, obesity and heart disease among the populations of the insular areas. Strengthening health and diet outreach education would help to prevent unnecessary trauma for many families. Expertise in environmental management is limited in the islands of insular areas. The insular area land grants are the primary source of higher education for the region and environmental education programs need to be created and strengthened. Building the capacity of the insular area land grants in the areas of distance education, agriculture, health and nutrition and environmental management will improve the overall quality of life and education for U.S. citizens who live in these areas.

Designating $15 million for this program through the Cooperative State Research, Education, and Extension Service's (CSREES) research and education activities account is vitally important if we are to support the learning communities of the U.S. territories and provide them the ability to partner with other institutions in the U.S. mainland. Harnessing technology in support of institutional capacity-building in this regard is essential for the success of the land-grant universities in the U.S. territories. Thank you for your consideration of this request. Please do not hesitate to contact us should you have any questions or should you be in need of further information.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
DONNA M. CHRISTENSEN,
MADELEINE Z. BORDALLO,
ENI F.H. FALEOMAVAEGA,
Members of Congress.

AMENDMENT OFFERED BY MR. ACKERMAN

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

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN:

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

SEC. ____. None of the funds appropriated or made available by this Act may be used to approve for human consumption pursuant to the Federal Meat Inspection Act any cattle, sheep, swine, goats, horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection, as required by section 3(a) of the Federal Meat Inspection Act (21 U.S.C. 603(a)).

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from New York (Mr. ACKERMAN) and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

I rise today to introduce the Ackerman-LaTourette amendment which would prohibit the USDA from expending any funds to approve meat from downed animals for human foods.

This, Mr. Chairman, is a downed animal. Downed animals are livestock who collapse, often for unknown reasons. They are unable to walk, unable to stand. Animals such as these are inhumanely dragged, very often by ropes and by chains, into stockyards where they often spend days lying in their own feces. They are sometimes covered in E. coli and are at high risk for illnesses such as mad cow disease.

The smart and humane businesses in this country, such as McDonald's and Wendy's and Burger King, all refuse to accept the meat of downed animals. They recognize how harmful it could be to their industry and what a looming disaster it would be to this country if mad cow disease entered our food chain. The USDA, as a matter of fact, prohibits the use of downed animals in our own school lunch programs throughout this country; and yet these downed animals such as this find their way into our food supply and are on the shelves in our supermarkets, our butcher shops, and our restaurants. If these downed animals are not safe enough and not adequate enough for the fast food restaurants or for our children in school, why are they put on America's supermarket shelves?

The answer, Mr. Chairman, has nothing to do with cows. It has to do with pigs. It has to do with greed. For the sake of making a few bucks, getting us to eat a crippled cow such as this can cripple the entire industry. Less than 1 percent of all animals are downed animals, not a big dent in the industry.

Mr. Chairman, just a few months ago, a mad cow was discovered across our border in Alberta, Canada. Their meat standards are almost as good as ours, and that one mad cow was a downed

animal. That discovery is not a coincidence. Study after study after study shows that downed cows are much more predisposed to having mad cow disease than the general population. The USDA has conducted a study and has concluded that if mad cow disease ever did occur in the United States, it would most likely be found among downed cattle than the general cattle population.

Just one infected mad cow crippled all of Canada's meat industry. We do not buy cows from Canada anymore. They are absolutely devastated. Canada should be a lesson to us. We must pass this legislation.

The bipartisan amendment that the gentleman from Ohio (Mr. LATOURETTE) and I introduce today will improve the safety of our food supply and prevent animals such as these from entering our food chain. Last year, we passed this measure in Congress. This year, we have 115 sponsors of this legislation. It is absolutely imperative that we pass this. In the name of food safety, in the name of the humane treatment of animals, please pass the Ackerman-LaTourette amendment.

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

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to this amendment.

Mr. Chairman, this amendment is a very bad idea from a public health safety standpoint. The way that we inspect animals to prevent animals with anything from BSE to a whole host of other diseases from getting into the food chain is through the process whereby the animals are slaughtered. When they show up at the slaughterhouses, that is where the veterinarians are on hand to inspect them and to make sure that animals that are not healthy do not get into the food chain. They are pulled off the line at that point in time and the public has that safety assurance.

If we require that downed animals are euthanized on the farm and never get to that point in the processing system, we are going to drive this whole process literally underground.

The problem that we have is that the animals will then be buried on the farm or disposed of in some other way, perhaps even put into the food chain illegitimately, because that farmer has absolutely no incentive to do anything otherwise. It is a cost to them, and there is no compensation to them whatsoever.

So if you have an animal that has BSE, and we certainly hope that that never occurs in this country, but if it does, we will never know it if this amendment passes because that animal will never get to the veterinarian to be inspected to determine whether or not it has that illness.

Therefore, this is a very, very bad idea. The humane thing to do for the animal, to have it euthanized at a place in the process where the veterinarians are on hand and can properly inspect it, is the way to go here. It is very important that when animals are downed we find out why they are downed. It might simply be a dislocated hip or something else that is no danger to human consumption, but if it is an animal that has a serious disease, we want to know if that animal has spread that disease to other animals in the area, whether other animals on that farm have the same problem.

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If they never get to the veterinarian, we will never find that out; and, therefore, this will become a very serious human health problem if we adopt this amendment.

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

Mr. GOODLATTE. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, the gentleman makes a very, very important point. Unfortunately, he refers to previous legislation that the gentleman and I discussed.

What we are doing here is we are not preventing the animal from getting there. We are preventing it from entering the food supply so people do not eat these crippled, diseased, pathetic animals as part of their hamburger or steak that they unwittingly buy at the supermarket. This just prevents the use of any funds from approving this animal from entering the food supply. It does not prevent the animal from being tested. It does not prevent the animal from being researched.

Mr. GOODLATTE. Reclaiming my time, the gentleman's point does not cure the problem. And the reason it does not is that there is still a lack of incentive for that farmer to ship that animal to the veterinarian if he knows before it ever gets on his truck that he will not be able to get any compensation for it, any certification for it no matter what is wrong with the animal.

As I indicated, if the animal simply has a dislocated hip or some other ailment that does not make the animal unsound for human consumption, then the farmer has absolutely no incentive whatsoever to ever get it to the slaughter house.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), the distinguished ranking member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me time. I will be glad to yield to my friend from New York at any time on the point, but I think some of the points the gentleman from Virginia (Chairman GOODLATTE) made need to be reemphasized.

Existing statutes and regulations are sufficient to address the issue of preventing conscious, nonambulatory livestock from being inhumanely handled prior to slaughter.

Now, there are differences of opinion as to what is ''inhumanely handled,'' and I respect those who have a different opinion than I have. Now, Federal and State veterinarians at slaughter establishments are best capable of identifying and segregating suspect animals from entering the food chain. FSIS personnel verify that disabled livestock handling procedures are carried out to ensure that nonambulatory animals are set apart and humanely slaughtered. That is what the chairman was pointing out will no longer happen if the gentleman's amendment is passed.

In accordance with the Federal Meat Inspection Act and the Poultry Products Inspection Act, FSIS inspectors conduct anti-mortem inspection of livestock. Unconscious, disabled livestock cannot receive anti-mortem inspection and must be condemned and disposed of in accordance with FSIS regulations and the Humane Methods of Slaughter Act. Non-ambulatory, disabled livestock that have not received anti-mortem inspection and cannot be humanely moved must be humanely condemned before they may be transported from the slaughter establishment's premises.

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

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I should point out that the gentleman, who is a distinguished leader and authority in this area and someone for whom I have the greatest respect, is absolutely right. However, what we are dealing here with is an amendment that does not disrupt this process whatsoever. All of those things can and should take place from the time the animal is grazing to the time it is in the yard to the time it is being shipped and even prior to slaughter.

The only thing that we prevent is the animal from being consumed by the American public. Every single one of us has constituents that eat meat. Some of us have the majority of our constituents. And the American people, 0 percent of them say they will not eat the product of a downed animal such as this.

Mr. STENHOLM. And that sick animal will never find its way into the food chain under the current law that we are enforcing today.

BSE was talked about. It is extremely critical that we do not create a situation in which downed animals which have very good food value, simply because they may have had a dislocated hip or a broken leg still have food value, not be discouraged from coming to the marketplace, which is exactly what the gentleman intends to do; and I respect his desire for doing that. But in the handling of livestock, it is extremely important that livestock continue to be handled as we are doing it under FSIS, particularly with the BSE question.

It is extremely important that BSE-suspect animals are tested; and, accordingly, right now USDA's aggressive BSE surveillance system targets these animals, the ones we are talking about for testing. During fiscal year 2001, USDA tested 5,272 head. In fiscal 2002, 19,990 head, more than 40 times the internationally recognized standard for appropriate surveillance for a country that has never detected BSE within its borders.

It is extremely important that the suspect animals get into the inspection system. But I fear because of those who believe that any animal that cannot walk should be immediately destroyed wherever it is, this will do some real harm potentially to the future of the very food safety issues that the gentleman is trying to correct.

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

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, the gentleman should know that we do not prevent the animal from being tested anywhere, including right up to the slaughter house. We do not deny funds for the testing of the animal. We want the animals to be tested. We want to make a determination as to where the animal came from if he does test positive for mad cow disease or any other kind of disease. What we are saying is that we are going to deny funds under this amendment to those animals, such as this one here, from entering the food chain and from being consumed by my constituents or your constituents.

Mr. STENHOLM. Reclaiming my time, the chairman has been overly generous in sharing of his limited time with me.

I repeat, the picture the gentleman is showing, that sick animal will never find its way into the food chain. Period.

It does no service to this institution to continue to show that.

This amendment would create a disincentive to producers. The gentleman does not understand the cattle business as many in this body do. I understand the sentiments in what you are trying to correct, but the amendment would have a totally different result.

I thank the chairman for his generosity.

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

Mr. ACKERMAN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from New York (Mr. ACKERMAN) has 12 minutes left.

Mr. ACKERMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in strong support of the amendment by my very dedicated colleague from New York. His amendment would prohibit for human consumption any meat or meat food product derived from a downed animal.

I might say to my dear friend, the gentleman from Texas (Mr. STENHOLM), a recognized leader in agriculture, that the U.S. Department of Agriculture has already as part of its procedures adopted regulations that ban the purchase of meat from downed animals by its own procurement agencies. So let there be no mistake that our Department of Agriculture believes that it already has the authority to take that action internally.

Let me also say that the Department has estimated that nationally about 190,000 animals every year get so sick that they are unable to stand or walk and they are dragged to slaughter facilities and many of them end up in our food supply. But only about 5 percent of those animals are tested for serious diseases such as mad cow disease.

Now, many probably know that the recent mad cow found in Canada was a downed animal; that the president of the Alberta Beef Producers remarked about ''cows too sick to walk, too sick to stand have no business being part of the food system. This animal should have never left the farm.''

A 2001 study from Germany found that downed animals were anywhere from 10 to 240 times more likely to test positive for BSE than were ambulatory cows. And we all agree, I think we all know, that downed cattle have a higher risk of having BSE, and we should not be sending these animals to slaughter where they may ultimately end up on somebody's dinner table.

Farm Sanctuary used the Freedom of Information Act to analyze USDA slaughter house records for 938 facilities from 1999 through June 2001. They found 73 percent of downed animals passed for human consumption while 27 percent were condemned. But startlingly, among the downed animals approved for human consumption, included afflictions such as gangrene, malignant cancers and pneumonia. These were common.

I think the heart of the gentleman from New York's (Mr. ACKERMAN) proposal is, why are we sending these animals that should be euthanized and disposed of to auction markets and slaughter houses where they will contaminate healthy animals and, indeed, human health?

The August 2001 issue of ''Dairy Herd Management'' named downed animals as the most important area where the industry needs to clean up its act. So I want to rise in support of the Ackerman amendment. I think the gentleman is moving us all, moving the country toward a better standard, a higher standard. The USDA has already recognized that standard and adopted on its own meat procurement practices. I want to thank the gentleman for helping move America ahead. I think this amendment's consideration today will go a long way in helping to clean up this problem for the American people.

Mr. ACKERMAN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from New York (Mr. ACKERMAN) has 8½ minutes remaining.

Mr. BONILLA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas has 6 minutes remaining.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

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

Mr. Chairman, I want to respond to the gentlewoman from Ohio (Ms. KAPTUR) because she is responding to exactly the same amendment that the gentleman from New York (Mr. ACKERMAN) has informed us he has modified from provisions that he has offered earlier as well.

The gentlewoman wants to keep the animals from ever being shipped to the slaughter house. The slaughter house is where the inspection takes place to determine whether or not the animal has BSE. So if the gentlewoman accomplishes her goal, she is defeating that purpose.

The gentleman from New York (Mr. ACKERMAN) has said he has modified his amendment so that only funds cannot be expended for the purpose of certifying the animal for processing. That has still the same problem. The farmer will have no incentive to get that animal to the place where the veterinarians are so that inspection can take place. If we had billions of dollars to have veterinarians go to every farm, maybe they could accomplish their goal; but we do not have that kind of money. The farmers do not have the money. They are not going to spend it. So they would be risking public health by refusing to have the process work the way it was designed. Have the animals go to the slaughter house, be inspected.

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

Let me respond, first to the gentleman from Texas (Mr. STENHOLM), my good friend, I may not be in the cattle business; but I can tell a good steak when I see one. This does not a good steak make, and that is exactly the point.

And in answer to both questions to both the gentleman from Texas (Mr. STENHOLM) and the distinguished gentleman from Virginia (Mr. GOODLATTE), there is a greater picture that some might argue about testing anywhere along the process and euthanizing the animal prior to reaching the marketplace. That is all well and good, and we could argue those points; but that is not what this amendment is all about. This amendment does not prevent any of that from happening.

This specific amendment does not touch any of the testing procedures.

We want the animals tested. There are those who even have a greater picture; and they would say, let us not eat meat at all. That is not the purpose of this gentleman, and that is not the purpose of this amendment.

This amendment says after you go through all of these processes and all of these wonderful things that are in place right now, why jeopardize it all for the sake of making a few bucks and jeopardize the entire cattle industry, a major American industry, for the sake of making a few bucks off a couple of crippled animals, less than .63 percent of the entire population. It makes no sense.

One mad cow has closed them down in Canada. Do we want that to happen in the United States?

There is a humanitarian issue here for those of us who appreciate the inhumane treatment of animals, and there is a public-safety issue. And if nothing else, for goodness sake, look at the public-safety issue and look at what happened to Canada. Granted, we do a little bit better job, we think; but one mad cow is all it will take to shut down our industry.

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Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding to me.

I will not use the full time. I just wanted to say to my good friend from Virginia, the chairman of the authorizing committee, that the normal way, place the animal would be downed would be at the slaughterhouse anyway.

The point we are trying to make is do not put it in the food chain. That is the heart of the gentleman from New York's (Mr. ACKERMAN) amendment which he has not changed. So I just wanted to clarify that, and I also am concerned that at that slaughter facility that that diseased animal not contaminate the other animals. So there is a tremendous burden on that slaughterhouse, but the point of the gentleman from New York's (Mr. ACKERMAN) argument and amendment is do not put that sick animal in the food chain.

I support his amendment, and I thank the gentleman for offering it.

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

Mr. BONILLA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I simply want to say that I greatly appreciate the points that the authorizers have made today in opposition to this amendment.

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

Mr. ACKERMAN. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from New York (Mr. ACKERMAN) has 6 minutes remaining.

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

Mr. ACKERMAN. I yield to the gentleman from Texas.

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

I think it is imperative that we distinguish between sick animals and downer animals. There is a big difference, and I think the author of the amendment and some of the arguments made, including by my good friend from Ohio, is tending to mix up downers and sick.

We all agree sick animals have no place in our food chain, period; and I would submit under current law that is a occurring 99.9999 percent of the time. No one can be perfect.

On the question of BSE, I worry about us continuing to be able to reassure the American public since in 2002 we tested 19,990 cattle, 40 times the international standard, but of those 19,990, 14,000 were downer animals. It is critical that we continue to look at downers to make sure they are not sick and remove them from the food chain, but when we read the gentleman's amendment today, I really respectfully say it would create a disincentive for producers to send downers to market.

We agree with the basic statement of keeping the animals out of the food chain that are sick. It is a question of how we best do it. Therefore, I respectfully oppose the gentleman's amendment in the belief that it will not accomplish what we all agree we need to do, and that is keep sick animals out but allow downer animals that can be humanely consumed to continue to be presented so we can make that determination as to whether they are sick or consumable.

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I appreciate the gentleman's sentiments and how articulately he presents them. We have a great deal of sympathy with what he is trying to accomplish, and one of the things the industry is trying to accomplish is to squeeze every nickel out of every head of cattle regardless of whether it is ambulatory, nonambulatory or anything else. There should be a disincentive for people bringing animals that are sick or diseased or nonambulatory to the market for the sake of making a couple of dollars on ½ of 1 percent of the entire cattle industry in America.

The fact that we do 40 times more testing and a better job than the average in the world, I am not impressed by that argument that we do better than places like Saudi Arabia and the Sudan and other places which bolster our numbers in how good we are.

Take a look at Canada. They do 40 percent better than the rest of the world, also. It took one mad cow who was a downed animal to shut down the entire industry. The industry here needs to be saved from itself. For the sake of that ½ of 1 percent, they are jeopardizing their entire business.

The humane aspect of this, I do not want to hold these pictures up continuously for the rest of this debate nor shall I, but the point is, the pictures are troubling. They are disturbing. Nobody likes to look at that. But if we think we go to the supermarket and buy some chopped meat and our own hamburger out of meat that McDonald's would not touch, out of meat that Wendy's would not touch, out of meat that Burger King would have no part of, out of meat that the USDA says, my goodness, keep this off the plates and tables of our schoolchildren as they have their lunches, it is unfair, it is unsafe, that the industry would say let us sneak this in and have these animals be put up for sale for the unsuspecting American public.

According to a Zogby poll, four out of every five Americans has said they would not touch this meat if they knew it came from a downed animal, but they do not know that it came from a downed animal, Mr. Chairman.

What we are doing here with this amendment is we are saying that the animal can be tested on the farm, it can be tested where it falls, it can be tested when it is in transit, it can be tested in the stockyards, it can be tested right up to the point of slaughter, do all the testing, make the determination, keep the statistics, but do not then put it into the food supply for the American people. Food safety demands better, and humanity to animals demands better.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, just a very important point, I think bovine spongiform encephalitis, BSE, has never been found in the United States. We have the most strict meat inspection in the world, and if we pass this resolution the danger is that we complicate the inspection of those downed animals. Downed animals in this country do not go into the human food chain without a thorough health safety investigation.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for his remarks.

We are not compromising the testing system at all. Test to your heart's content. Test and retest and double test. We agree with that. But, in the end, after all the tests, do not subject the American people to eating these downed animals.

On the gentleman's second point, that in the history of this country we have never found mad cow disease, I just want to point out that until one mad cow, who was a downed animal, came along, Canada had never found a mad cow in their country either. Look what has happened to them. Do not let it happen here in the name of food safety. In the name of the humane treatment of animals, do not allow that to happen here.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the Ackerman-LaTourette Amendment which would end the sale of "downed animal meat" for human consumption. Simply put, this Amendment would take

livestock that is too diseased, too weak, or too injured to even stand on its own feet out of our food chain.

American families do not want to put downed animal meat products on their dinner tables, and they do not want to worry about whether the meat products purchased from a restaurant contains meat from downed animals. As a matter of fact, new animal welfare standards followed by burger-giants McDonald's, Burger King, and Wendy's have ended the purchase of meat from downed animals in their food products. I applaud these moves and America's consumers applaud them as well.

Common sense, as well as scientific data, says that the meat taken from a downed animal is unfit for human consumption—its risk of bacterial contamination and other diseases is much much higher than the meat taken from a healthy animal. U.S. Department of Agriculture (USDA) records show that downed animals are often afflicted with gangrene, malignant lymphoma, pneumonia, and other serious illnesses. According to the Food and Drug Administration downed animals are responsible for half of the drug residue found in meat because these animals are often very sick animals, and therefore, are often receiving a variety of drug treatments. Why would anyone want to take a chance and eat this meat?

Not only would this legislation remove tainted meat from the American marketplace, it would help improve the treatment of animals at auctions and slaughterhouses. Most downed animals are old dairy cows, crippled veal calves, and sometimes injured beef cattle. These downed animals, too weak to stand up on their own, are often shocked with electricity, moved with bulldozers, kicked and dragged, all in the effort to move them along the assembly lines to be slaughtered.

Mr. Chairman, our Nation has made great strides in food processing and food production over many years. We've come a long way since the publication of Upton Sinclair's famous century-old work, ''The Jungle.'' But there's still a lot of needless cruelty that goes on in these places. Upton Sinclair wrote back then that the animals were strung up one by one in a ''cold-blooded, impersonal way, without a pretense of apology.'' This still occurs today.

For instance, cows with broken legs are often left for hours or even days without food and water, let alone veterinary care. There is no excuse for this cruel and inhumane treatment in a civilized society. For the sake of our society, our animals, and those who eat meat products, the practice of slaughtering and consuming downed animals must be brought to an end.

Americans rightly do not want to eat meat from downed animals nor do they want to see downed animals cruelly treated the way they are at our slaughterhouses and animal auctions. Five months after the publication of ''The Jungle,'' President Theodore Roosevelt and Congress took action by passing the first ''Pure Food and Drug Act'' and the first ''Meat Inspection Act.''

Mr. Chairman, Congress needs to act again. Americans want animals to be treated properly, and they want their food to be safe. I urge Members to support and vote for the Ackerman-LaTourette amendment.

Mr. SHAYS. Mr. Chairman, as Co-Chair of the Congressional Friends of Animals Caucus I urge my colleagues to vote in favor of the Ackerman Downed Animal Amendment.

Animals too weak, from sickness or injury, to stand or walk are routinely pushed, kicked, dragged, and prodded with electric shocks at auctions and intermediate markets, in an effort to move them to slaughter.

There is no excuse for this unnecessary torment.

The Ackerman amendment will protect these downed animals by discouraging their transport to livestock markets and requiring they be humanely euthanized.

Some greedy individuals know livestock sold for human consumption will bring a higher price than livestock sold for other purposes. To them, the money is more important than the suffering of the animals. In moving these animals to auctions and other markets, these individuals display a cruel disregard for the animals. They also ignore the fact that meat from these animals may be unfit for consumption.

Downed animals do not deserve this kind of cruel treatment, and consumers do not deserve to be subjected to the risk of buying contaminated meat products.

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

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Chairman, I demand a recorded vote.

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

Mr. BONILLA. 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. GOODLATTE) having assumed the chair, Mr. RYAN of Wisconsin, Chairman pro tempore 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. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of H.R. 2673, which shall proceed according to the following order:

No further amendment to the bill may be offered except pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and

An amendment by Ms. KAPTUR regarding biofuels, which will be debatable for 20 minutes;

An amendment by Ms. KAPTUR regarding APHIS;

An amendment by Ms. KAPTUR regarding credit cards;

An amendment by Ms. KAPTUR regarding the Website of the Department of Agriculture;

An amendment by Mr. BROWN of Ohio regarding food safety, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, 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.

Except as specified, each such amendment shall be debatable for 10 minutes, and debate on each amendment shall be equally divided and controlled by the proponent and an opponent.

All points of order against each of the amendments shall be considered as reserved pending completion of the debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except for one motion to recommit, with or without instructions.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The motion was agreed to.

□ 1525

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. 2673, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. ACKERMAN) had been postponed, and the bill was open for amendment through page 72, line 23.

Pursuant to the order of the House today, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and

An amendment by Ms. KAPTUR regarding biofuels, which will be debatable for 20 minutes;

An amendment by Ms. KAPTUR regarding APHIS;

An amendment by Ms. KAPTUR regarding credit cards;

An amendment by Ms. KAPTUR regarding the Website of the Department of Agriculture;

An amendment by Mr. BROWN of Ohio regarding food safety, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, 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.

Except as specified, each such amendment shall be debatable for 10 minutes, and debate on each amendment shall be equally divided and controlled by the proponent and an opponent.

All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

The CHAIRMAN pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, we would accept the amendment.

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

I thank my good friend from Iowa for that, and I just for purposes of the RECORD wish to state that this amendment concerns the recent allegations that have been put forward about individuals at the Department of Agriculture misusing their Federal credit cards that they possess on behalf of the agency.

□ 1530

We look forward to working with the majority to ensure prompt prosecution and also actions being taken by the Department of Agriculture for us to monitor them as they move forward to make sure that this never happens again. I thank the gentleman for his support.

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

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to issue a final rule in Docket No. 02–06201, ''Cost-Sharing for Animal and Plant Health Emergency Programs,'' 68 Fed. Reg. 40541–40553 (July 8, 2003).

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. LATHAM. Mr. Chairman, we would accept the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

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

Mr. Chairman, I thank the gentleman from Iowa (Mr. LATHAM). Just for purposes of the debate and the record, let us show that this amendment would prohibit the U.S. Department of Agriculture from finalizing a rule on cost sharing between the Federal Government and co-operators, our States, local governments and industry groups on the cost of responding to animal or pest emergencies that threaten U.S. agriculture. We believe this to be a Federal responsibility.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

''SEC. . No funds appropriated or made available by this Act may be used to identify by photograph on a department's or agency's website any Member of the House of Representatives or the Senate within 60 days before a federal general election.''

The CHAIRMAN pro tempore. All points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

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

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we would accept the amendment.

Ms. KAPTUR. Mr. Chairman, I thank the chairman and appreciate the chairman's acceptance of this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount on page 3, line 9, the following: ''(reduced by $20,000,000)''.

Under the heading ''RENEWABLE ENERGY PROGRAM'', insert after the dollar amount on page 43, line 4, the following: ''(increased by $20,000,000)''.

The CHAIRMAN pro tempore. All points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

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

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we would be more than happy to accept the amendment, and we would like to expedite the process if we could.

Ms. KAPTUR. The gentleman will accept this amendment on biofuels?

Mr. LATHAM. If we could expedite the process.

Ms. KAPTUR. Mr. Chairman, I would be more than pleased to accept the gentleman's acceptance and to say that there could be no more important action of this government than dragging the U.S. Department of Agriculture into the 21st century, and helping America to become energy self-sufficient at last.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments?

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to thank the gentleman from Iowa (Mr. LATHAM) for moving this bill along. I know there are other Members who may be on their way to the floor right now, and

we wanted to allow a little time for that. But meanwhile, I wanted to say a word about the overall bill and again to express my deep disappointment that the overall level of this discretionary bill is about 5 percent below last year's appropriated levels.

I come from a part of the country where we have experienced quite a bit of flooding. We know that later this year we are going to have some additional requests for disaster assistance. With the limited amount of funding in this bill and the cuts across various accounts, it is going to make it very difficult, barring a supplemental of some sort, to meet all of the requirements that are necessary.

As we look toward Members asking us how good is this bill, I guess the bottom line on this bill is that it is not nearly good enough in view of the challenges that are facing agriculture today.

We appreciate all of the Members who have come down here today to offer amendments. I think that every single one that was passed and awaits votes this afternoon has improved the bill. Those that deal with downed animals, those that deal with the Office of Civil Rights, those that deal with our historically black colleges and Tuskegee Institute, those that deal with improving the U.S. Department of Agriculture's attention to biofuels production, all of these are improvements.

We were very pleased to see the gentlewoman from Guam (Mr. BORDALLO) come to the floor to talk about the insular territories and their very, very significant dependence on agriculture, and over time the actual ignorance by our government toward these critical areas to our country.

If I might just say an additional word on the energy title, one of the reasons we were so concerned about the U.S. Department of Agriculture's inattention to new fuels production is that there is not a corner of rural America where this is not uppermost in people's minds. Whether it is biodiesel, whether it is ethanol, farmers can see the future. Many of them are inventing it. Without question, rural America holds at least a minimum of 20 percent of the potential to displace our overreliance on imported petroleum.

The budget, however, that the administration presented to us was severely underfunded. Not only was the Department of Agriculture not encouraged to move into the 21st century in energy production, but, in fact, the Department of Energy's accounts that deal with energy production and renewable energies were reduced 28 percent in the area of biomass, for example. Members should imagine a future where our capability in producing soy diesel and ethanol is enhanced by the Government of the United States assisting our farmers to bring new energy products online. These can actually produce real value-added and real income to the farm families of our country in the form of new fuels. We could do nothing more important in the first half of this century, in my opinion in the first decade of this century, than helping to convert from the hydrocarbon age to the carbohydrate age.

Today, over 3 million vehicles on our roads already use E–85, ethanol, made of 85 percent ethanol. Every one of these vehicles is made by our manufacturers. The problem is if you buy a vehicle and you take it to the service station, drivers cannot get the fuel in every State and in every location. You can get it in Iowa. You can get it in Minnesota. Try to get it in Ohio.

The real question is how do we move this industry forward when we know our farmers would rather produce to the market rather than produce to the mailboxes with subsidy payments. I am enjoying this opportunity to have the chairman of the authorizing committee sitting listening to this because I look for a great partnership between the Committee on Appropriations and the authorizing committee in the area of new fuels.

It has been a real disappointment to watch the lethargy at the Department of Agriculture when energy futurists can see the potential in every account. Take a look at research. We have not even invented the plants yet that can give us the most Btus per ton. We are using existing technology to produce the fuels that we are processing today. But just in the research accounts, we are behind the times in getting the plants that would give us the most convertible sugars, the most Btus per ton.

Take a look at how processing facilities are being built across the country, by farmers in places like the State of Minnesota. The State of Minnesota is such a leader; I believe she had the first ethanol plant in America. If we are going to have a national project for biofuels production, we should call it the Minnesota Project because they absolutely were first. Although when I was down in Iowa talking to farmers, they said yes, but Iowa farmers working in Minnesota actually accomplished it!

My point is that some parts of America have seen the future. Farmers are using our waste products from the field, for example, and blending them rather than putting them in landfills or burning them heedlessly produces a Btu stream that we can process and then convert.

I think that the record shows by January 2002, last year, there were well over 100 major fleets in our country that had implemented biodiesel programs, and the leading Federal agency for converting vehicles is not the Department of Agriculture. It is the U.S. Postal Service. I believe they have over 12,000 vehicles that use clean-burning fuels.

We look at the U.S. Air Force, Army, U.S. Department of Energy, NASA, State fleets in States like my own, Ohio, Iowa, Virginia, Missouri, Delaware and New Jersey, city buses in places like the Cincinnati metropolitan area and the bi-state area of St. Louis, and major public utility fleets such as Commonwealth Edison, Florida Power & Light, Duke Energy, Alabama Power and others.

The CHAIRMAN pro tempore. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 5 additional minutes.)

Ms. KAPTUR. Mr. Chairman, we appreciate the opportunity this afternoon to plant the seeds of biofuels in the U.S. Department of Agriculture budget for the year 2004.

Ms. DELAURO. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, last week during consideration of the Labor-HHS appropriations bill, I spoke of how this administration and this Congress are making a choice between tax cuts for the wealthiest Americans and other pressing priorities.

As a member of the subcommittee, I know that the programs in this bill represent many of these vital priorities supporting our farmers, revitalizing our rural communities, and helping the most needy in our country meet their most basic nutritional needs, and safeguarding our food supply. Yet as a result of the budget allocation given to our subcommittee, the bill includes a nearly 5 percent decrease in funding for agriculture, America's leading domestic industry which brings approximately $2.1 billion into my State of Connecticut's economy and provides 50,000 jobs for Connecticut each year.

One of the most critical things we do in this bill is ensure the safety of our Nation's food supply; 76 million Americans become sick and 5,000 people die every year from food-borne illness. At a time when there have been record amounts of recalls and ongoing concerns about USDA performance and the integrity of our food supply, this bill underfunds food inspection by $12 million.

Last week we found out that imported meat inspections have gone down from 17 to 6 percent in the last year.

□ 1545

This bill is headed in the wrong direction.

In addition, this bill prevents implementation of country-of-origin labeling for meat and meat products. Country-of-origin labeling gives people the information that they need to make an informed choice to protect the safety of their families. Thirty-five other countries we trade with, including Canada, Mexico and members of the European Union, already have a country-of-origin labeling system in place.

And American families recognize the need for this labeling. People say that they are willing to pay more to know where their food is coming from. At a time when food imports are increasing

but the number of inspections of imported meat is decreasing, consumers deserve that right to know where their food is coming from. Given the record 56 million pounds of recalled meat last year, again, that is 56 million pounds of recalled meat, this effort is also about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of that process so that we can quickly take action to prevent people from getting sick.

Country-of-origin labeling will not violate trade agreements or lead to retaliation. It will not bankrupt the food industry. It will simply let consumers know where their food is coming from. I hope my colleagues will support the Rehberg-Hooley amendment to remove this provision from the bill.

I am also concerned that the WIC program, which helps ensure that the nutritional needs of women and children are met, may not be funded sufficiently in this bill. That leaves no room for error. If the need increases, if food or infant formula prices increase, there will be no funds available to help those who depend the most on the program.

Another priority is prescription drugs, which are increasing on average at a rate of 20 percent annually. The generic drugs program at FDA helps us address those concerns by speeding the approval of affordable drugs. Yet this bill underfunds that program by $5 million, in addition to underfunding the Best Pharmaceuticals for Children Act and the patient safety and adverse reporting initiative. All are critically important to ensuring the health and safety of every American.

Mr. Chairman, budgets reveal priorities. They reveal values. This bill includes agencies and programs charged with some of our most important responsibilities, many of which protect and oversee the public health. Now is not the time to choose tax cuts for the wealthy over these vital priorities. We must do better. Failure is not an option.

Mr. BONILLA. 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. GOODLATTE) having assumed the chair, Mr. RYAN of Wisconsin, Chairman pro tempore 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. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1) 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DAVIS OF TENNESSEE

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Davis of Tennessee moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) To reject the provisions of subtitle C of title II of the House bill.

(2) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

The SPEAKER pro tempore. Under the rule, the gentleman from Tennessee (Mr. DAVIS) will be recognized for 30 minutes and the gentleman from Louisiana (Mr. TAUZIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DAVIS).

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

Mr. Speaker, this motion instructs conferees to do two simple things, two things that the House-passed bill does not accomplish. One, it asks them to provide a guaranteed prescription drug benefit for all our seniors. Number two, it asks them to preserve Medicare as we know it today.

Specifically, this motion instructs the House not to abandon seniors to the mercy of private insurance and pharmaceutical companies. It makes a promise to our seniors. It tells them that if private insurance companies cannot make enough money off them, they can still get a prescription drug benefit.

Mr. Speaker, without this provision, the odds of seniors in my district getting a prescription drug benefit under this bill are virtually slim to none. How do I know this? For years now, private insurance companies have had an opportunity to try and make money off the seniors in my district by offering them a Medicare+Choice benefit. And how many have decided it is worth their while? Only a few.

I know the people in my district, the people of the Appalachian Mountains, of the Cumberland Plateau and southern middle Tennessee, are not alone, the people who live in Byrdstown or in Tracy City or in Kelso or in Hohenwald in our district. Already, private HMOs have abandoned over 2 million seniors.

The second part of this motion is about nothing less than preserving Medicare, a program millions of seniors have come to expect and to trust. Under the House-passed bill, Medicare as we know it will cease to exist in 7 short years, in 2010. Instead of Medicare, seniors will get a voucher for their health care and told to go shopping and will be forced to beg insurance companies and HMOs to offer prescription drug coverage to them, a request that many insurance companies are already on record as saying that they will not be able to fulfill. HMOs will compete against Medicare for younger, healthier seniors, while jacking up the prices for seniors who have chronic conditions and are in need of more care. These ''left behind'' seniors will have no choice but to remain in traditional Medicare which will be starved of funds, unable to compete with insurance companies and HMOs, and thus will be forced to raise seniors' premiums.

Privatization of Medicare will break up the huge and successful risk pool that Medicare has provided. With only the sickest patients enrolled, Medicare's costs will rise until it costs more than the voucher allotment. Medicare will be forced to price itself out of existence.

Make no mistake. That is exactly the point. During the debate on the bill, here is what was said: ''To those who say the bill would end Medicare as we know it, our answer is: We certainly hope so. Old-fashioned Medicare isn't very good.''

Well, I disagree and I have talked to many seniors in Tennessee who disagree as well. Medicare in the past 38 years has been very good to millions of seniors, but it should be even better. It should include a prescription drug benefit that is guaranteed, that is affordable, and that is accessible to all seniors. Our seniors deserve it, and we in this House Chamber should demand it.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. DAVIS) and ask unanimous consent that he be allowed to control the time.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin (Mr. GREEN) on behalf of the Committee on Ways and Means and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

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

Mr. Speaker, there were two visions of Medicare prescription drug bills before the House several weeks ago. The vision offered by the Democratic Party is revisited upon us today in this motion to instruct. That vision was one of simply a government program for prescription drugs. It was one that eliminated any real possibility of competitive reform. It was one that literally provided for the government to always make sure that prescription drugs were available. In short, it literally put the government in the business of deciding what prescription drugs, at what price and when they might be available for seniors.

There was another vision offered on the floor which was adopted by the House when it rejected overwhelmingly the Democratic vision. The vision that was offered on this side of the House that was finally approved in that long night of voting was a vision that literally said we are going to literally provide a $400 billion drug benefit for seniors. But, as part of the deal, we are also going to require Medicare itself to undergo reforms, to make sure that the Medicare system does not itself go bankrupt or bust the business of government as the years go by.

There were predictions, for example, that by the year 2070 if we did not accept the vision of reforming Medicare, of making sure that there were competitive choices available for consumers so that Medicare itself would become more and more efficient, less bureaucratic, more responsive to Medicare doctors and Medicare patients, if we did not do that by the year 2070, entitlements in this country would eat up every single dollar raised from taxpayers, leaving no money to operate this body, the Congress or the courts or the Defense Department or any other vital function of our government.

That is the choice we have again in this motion to instruct. The Democratic motion to instruct simply says, adopt that Democratic vision of a government-provided Medicare benefit only with no competition offered to that system and no tension between the private competition offered and the public system to ensure that the public system remains as intensely efficient as possible under the law. So in effect what this motion does is to strike the competitive features of the vision of Medicare reform adopted on the House floor and to rely instead upon government-backed, government-fallback medicine for Americans.

Let me state very clearly again. The vision adopted on the floor of the House was to provide $400 billion of government-provided Medicare prescription drug assistance to seniors, to seniors who wanted to stay within the Medicare program or seniors who might want to choose some other competitive private plan that would be offered under that vision. The vision adopted by the House was exactly that, competition, more stores in town, a government store and private stores as well. The vision rejected that is again offered on the floor of the House is government medicine only, government medicine without the competitive choices that seniors should have.

This motion to instruct should be rejected.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield myself 2½ minutes.

The motion to instruct represents an attempt to identify two areas that must be addressed if there is to be a compromise, if there is to be a prescription drug benefit under Medicare in this Congress. I daresay virtually every Member of this body has promised to find a way to provide Medicare coverage for prescription drugs. There is a basis for consensus among Republicans and Democrats to operate within the constraints of the budget. This is not the budget many Democrats would have chosen but out of a desire to solve this problem immediately and begin to provide some coverage for the seniors at home that are desperately struggling to meet their drug bills, there is a desire to work together.

The two issues the motion to instruct addresses are very simple. The first is whether or not our seniors are forced to rely exclusively on private plans to get drug coverage. Since this bill was introduced weeks ago, I would say there is not a single private insurance company in Washington or the United States that has come forward to the Federal Government and said, we want your money, we want to provide this private drug benefit you have created. As a matter of fact, in the committee one of the responses that was made by the esteemed chairman to the apparent lack of interest among the private insurance companies was, if necessary, we, the Congress, will subsidize over 99 percent of the cost of these drug benefit plans to encourage the private companies to come in. That not only is a waste of taxpayer dollars, it is an insult to our seniors. Because unless we adopt the Senate fallback provision which says that if two private insurance companies will not provide the drug benefit, traditional Medicare will, we are holding up a false hope for our seniors.

So the first thing the motion to instruct does is take the Senate position that there will be a fallback, traditional fee-for-service drug benefit if two private plans fail to do so.

The second issue addressed by the motion to instruct is the issue of the voucher. Under 2010 in this bill, Medicare as we know it ends. Medicare is converted to a voucher program. Under the voucher plan if you are, as many people are at the age of 65, not entirely healthy, you can safely assume these private insurance companies will not want to insure you. You will not be a good risk. You will not be sufficiently profitable.

Under this bill, unless the motion to instruct is adopted, people who cannot get into a private plan are left with a voucher. The Medicare actuary has estimated that could result in as much as a 25 percent increase in the cost of Medicare to people that have the voucher. We are going to leave people over 65 with health problems without access to Medicare unless this motion to instruct is adopted.

□ 1600

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I would like to address a couple of the points that the gentleman from Florida (Mr. DAVIS) made. In the gentleman from Florida's motion to instruct, it is akin to passing an amendment to say we are going to see to it that Medicare is bankrupt faster than it is already going bankrupt. The problem we are trying to deal with, Mr. Speaker, is this: we already have financial problems with Medicare. As it stands today, if we do not even do anything and we do not add any benefits like prescription drug benefit to Medicare, it is going insolvent in 10 years. At the height of the baby boom retirement when we have 77 million retirees in place in America, more than the 40 million we have today, almost double, we are going to exhaust all of the Medicare trust fund by the year 2036.

So what we are trying to do here is this: we recognize so clearly that Medicare is an outdated program. Medicare is not modern. It is not comprehensive. It does not cover all the comprehensive health care needs a person has over the age of 65, especially; and that is why we out of the House passed very comprehensive legislation, comprehensive legislation to help not only add a prescription drug benefit to all in Medicare but give them access to comprehensive health care so they do not have to go out and buy a costly supplemental insurance plan, so they do not have to pay out of pocket with high retail prices with the buying power of one person for their prescription drugs.

We have great comprehensive reforms for the current generation of retirees. But the one very important part of what we passed in the House is not only do we improve Medicare for today's generation of retirees by making it more modern; we also have very important reforms in this bill to make sure that the program is actually solvent for the next generation when they retire, and that is what we are trying to accomplish.

If we simply add a benefit to Medicare on top of the current program in its current structure, all we end up accomplishing is accelerating the bankruptcy of Medicare. Mr. Speaker, we owe it to all Americans, not just the current generation of retirees, to fix this program; but we owe it to the next generation, the baby boom generation, to make sure that this program is there for them when they retire.

The reforms that are in question that are being jettisoned or gutted in this motion to instruct are the very important reforms that get us to solvency for the baby boom generation, and those reforms are not vouchers. Those reforms are defined benefit plans that simply give seniors the same access to comprehensive health care plans that we as Members of Congress have and all other Federal employees and our families have; and those plans in competition with one another for our business, for the seniors' business will help reduce long-term costs so we can extend the solvency of this program for the baby boomers.

As to the very important criticism, but very wrong criticism, that this is going to hurt the people who are not healthy, the sick and low-income, that is completely false, Mr. Speaker. This legislation very clearly has guaranteed issue. No plan can pick and choose who they are going to cover in Medicare. If they are in Wisconsin as a person of the age of 65, Medicare eligible, and they want an enhanced plan like a private PPO or Blue Cross like my wife chose for us in the Federal Employee Health Benefit Plan, everybody who is entitled to Medicare is entitled to that plan. These private plans cannot cherrypick and cannot deny people based on preexisting conditions. And that I would add can be found on page 260.

Another very important part is that this has risk-adjustment payments. So if, for example, sicker people are going into a plan, they will have risk-adjustment payments, and that can be found on page 248 as well. So I would simply direct my colleagues to the legislation to find out that this does have risk-adjustment payments so it will not have a problem with healthy or nonhealthy people going into one plan or another. This language is what we must pass into law, not just out of the House, to save this vital program for the next generation while improving Medicare for the current generation.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), the ranking Democrat on the Subcommittee on Health of the Committee on Ways and Means.

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

Mr. Speaker, I would like to inquire of the distinguished gentleman from Wisconsin if he could tell me how many years their bill in the House would extend the financial life of the Medicare program.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, the actuaries will not certify that it will extend the solvency of Medicare by any certain number of days.

Mr. STARK. Mr. Speaker, I thank the gentleman for his answer and reclaim my time.

Mr. Scully, the director of CMS, said last week that it would not extend the solvency of Medicare 1 day and indeed might shorten the solvency, and that is of course from the Republican director of CMS. Further, both GAO and MedPac, bipartisan groups, have reported to us that the proposed privatized plans that are in the Republican House bill will increase the cost to Medicare for every senior who is foolish enough to sign up for them. So not only does the Republican plan not save any money in Medicare. It is in very grave danger of costing Medicare money for no extra benefit. But we must not try to focus in merely an hour on the multitude problems that exist in the House bill.

We are constrained in this motion to deal with portions of the bill that are before us, and so there are two principal elements here: one, to eliminate the cockamammie premium support competition, whatever one wants to call it, Medicare+Choice that starts at 2010 in the House-passed bill. As I have said before, the Republican experts in Health and Human Services tell us it will not save any money and will probably reduce the solvency of the Medicare trust fund. GAO and MedPac tell us that these programs will create additional costs to Medicare over the standardized system.

Secondly, there is no fall-back in the House plan. There is no plan in the House plan. There is an estimate of what we might do, but there is nothing in the House plan that would require a benefit to be provided. Nothing. At least the Senate bill has a provision to ensure that there will be a Medicare program to provide a drug benefit in all communities should there be no insurance company reckless enough to try to understand what the House position is and take the subsidies needed to encourage it to participate. So if we want to have any plan at all and make sure that the law provides for it, we must recede to the Republican part, and if we want to keep Medicare solvent, we must drop the House portion which has the premium support. Those two are the basic elements that are needed before this plan could go forward under any circumstances.

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

Let me reiterate again, the motion to instruct, to all Members of the House who are paying attention to this debate, basically says to the Senate and House conferees: accept the Senate language, take the Senate bill, take the Democratic vision that was rejected overwhelmingly on this House floor, and make it the conference report. It basically recedes to the Senate provisions and eliminates the basic competitive elements that were approved on this House floor in this historic vote just several weeks ago.

My friend from Wisconsin made the case, but let me make it again. The argument that we need to instruct the conferees to adopt the Senate provision because somehow the seniors who are sickest and eldest in our society are going to lose Medicare in 2010 is just absolutely wrong. The fact is that they are not going to be driven into a small class of people only covered by Medicare because, as my friend points out, the private plans we vision coming into effect have guaranteed issue. They cannot refuse anybody. So if their mother, grandmother, grandfather wants to take one of these private plans because they offer a better, more efficient system of health care than does the Government plan, they will have a right to take it. They cannot be denied no matter how old or how sick they are.

Secondly, I want to point out that the basic frame of the bill we passed a couple of weeks ago on the House floor said to the poorest in our society, those living below 135 percent of poverty that we are providing this new prescription drug benefit virtually free of charge. The only thing they pay is a copay on the drug, but the premiums are free. The deductibles are covered. In fact, we provide for the poorest in America the best benefit of any Medicare prescription drug plan that we had yet considered on the floor of the House until just 2 weeks ago. So the poorest are covered. Those who are the sickest who want to choose a better plan have guaranteed access to those plans under the bill we adopted on the House floor.

This motion to instruct is virtually, literally saying that we should reverse the votes we took on the House floor; we should approve that Democratic vision of the government trying to do it all in a system that is already failing because it is beginning to go bust and a system that is too bureaucratic and literally too complex for even the providers to follow today.

Our bill provides for bureaucratic reform, regulatory reform, guaranteed issue for seniors who are the sickest to choose whatever plan they want. And most importantly, it provides for free coverage in effect for all those living under poverty for this new prescription drug benefit program. So to argue that we have to adopt this motion to instruct for the oldest and the sickest and the poorest in our society is not quite accurate. On the contrary, the motion to instruct simply says go into debate with the Senate and yield in advance, give in to the Senate that there will be no competition in Medicare, give into the Senate that the government is going to be the provider of this new benefit and seniors will never have the kind of choices that Members of this body have in choosing the kind of health care plans that best suit them in their conditions, in their health care needs, in their particular problems as they find it and as they make choices in the future.

Let us reject this motion to instruct just as we rejected the Democratic vision on the floor several weeks ago.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY), who has been a leader on this issue in the House.

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of this motion to instruct. And what we are really trying to do in essence is to have this body of the House of Representatives join with a bipartisan majority in the Senate that passed by 76 votes a measure to ensure that we would guarantee seniors a prescription drug benefit. For those of us who are so supportive of the Medicare fall-back provisions in the Senate, this is crucial to Medicare recipients. If we are going to stand up and be able to promise to senior citizens on Medicare throughout this country that there will, in fact, be a prescription drug benefit in Medicare, we must accept the Senate fallback provisions.

□ 1615

Why should we do this? Because we have a clear example in the past, where we have allowed private plans to offer Medicare+Choice on the promise that every senior in the United States would have access to a Medicare+Choice plan. The private plans did not provide it.

And the same thing will happen with the House-passed prescription drug plan. By offering a drug plan through private insurance, if there is no Medicare fallback as the Senate has, there is no guarantee, there is no ability that we will live up to the promise that we will provide a prescription drug benefit under Medicare.

We ought to have reason to be greatly concerned, because the Wall Street analysts, who really did an assessment of the likelihood of private insurers offering this benefit, have come to the conclusion that it is quite unlikely, because this is a stand-alone drug policy that is difficult to provide and they do not think the private sector will stand up and provide that.

Furthermore, the approach that the House bill is taking is one which tries to bribe the private insurance companies to provide this prescription drug benefit. They come to the conclusion that if the private sector is not stepping up to provide this benefit that the Federal Government is going to step up and provide taxpayer money to further subsidize the private insurer to offer this benefit.

This is not the approach we should be taking. If we are going to guarantee a prescription drug benefit, accept the Senate fallback provisions.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 7 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairwoman of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

First, let us get some facts straight. Any senior watching this debate needs to understand that the law provides a Medicare bundle of benefits, period. That bundle of benefits will be provided to seniors through the Medicare fee-for-service program and through any plan that cares to participate in Medicare. But the law defines that bundle of benefits, and there is nothing in this bill that changes that law. So do not scare seniors that something is going to happen to their benefits. There is not any plan that can participate under this bill that is not obliged to offer the Medicare bundle of benefits.

Then let us look at a statement made earlier about costs. All this bill does is allow the government to pay a plan the same amount per average senior beneficiary that we spend anyway per senior under Medicare. Not a penny more; not a penny less. So this is not going to increase Medicare spending. This is not going to explode spending.

That is why CBO and OMB disagreed, because in the private sector, yes, plan costs are rising, but in this program we are only paying the plan precisely what it costs us for the care of an average senior under Medicare; no more and no less. So that is not the issue.

There is only one issue here in terms of the plans in competition. In 2010, something important happens. Our seniors have the right to know in 2010 what the plan in any area where it provides the care for 20 percent of the seniors, what the average premiums are in those plans and what it is costing Medicare to provide care for the average senior under Medicare in those same areas. This is just a sort of ''right-to-know'' issue. Then, when you know, you can make the choice.

If by that time, 2010, the plans have gotten a lot more efficient and are either offering a lot more benefits for the same money or lower premiums or are inefficient and it is costing them more and Medicare turns out to be the more efficient provider, which many of you on the other side of the aisle have always claimed was true, then, Medicare's premiums will be lower and it will make the plans look bad. If in fact the plans are more efficient providers than Medicare, then the premium amount will be somewhat higher for the Medicare plan and seniors will have a choice.

The whole process is prejudiced toward weighting the Medicare premiums heavier than anyone else's premiums and phasing in any discrepancy. But the bottom line is that nobody in the private sector is going to be paid any more than the average we spend for a senior under Medicare. So if Medicare cannot compete on those terms, I will tell you, the seniors have a right to know, and, under this bill, they will.

Now, let us look at this fallback issue. One of the reasons our bill is so very efficient and the most efficient and rated by CBO as saving the most money for our seniors under the prescription drug program is because the plan's sponsors have not only the tools to manage prescription drugs in a cost-effective way, they have the motivation.

I will tell you, how many times have you seen your kid in college have all the preparation, have good skills, but they did not care enough to work hard and get an A instead of a B-plus? It is not just a matter of tools, of intelligence, of skills, it is a matter of will, of desire.

The reason CBO gives us so much higher an efficiency quota than any other plan is because our plans have not the big motivation we gave them a few years ago, we decided that was too hard for them to meet, but just a little motivation. They have a little reason to care whether or not they notice whether seniors are going to get the lowest cost prescription that will help them, the generic where it is appropriate, so on and so forth, or negotiate hard with the manufacturers to get the lowest prices.

So if you do a fallback and a guarantee, what plan in their right mind is going to get in? They are going to wait until you get to the fallback so they have no risk.

If you do not have that, two things happen. First of all, this is a very big market. A lot of companies cannot afford not to be plan sponsors. So they are going to get in, and they are going to get in early. Twenty-eight plans wanted to get in when the President offered his discount card just as a voluntary thing. Those same 28 companies are going to be interested when, under this bill, they get the right to offer a discount card. Why? Because they want to line up their participants so when the real plan comes along with the subsidies, the taxpayer subsidies, they will already have a constituency signed up in their program.

But this is entirely too big a business for plan sponsors not to want to be part of it, so they will accept that risk.

In our bill we guarantee not one fallback but two fallbacks: One that is a pure drug fallback, and one is a plan fallback. How are we going to get it? There are lots of way. You will have Federal Employee Health Benefit Plans that already contract the drug benefit with a plan sponsor. That plan sponsor might very well be interested in providing drugs-only to seniors. He is already in the district; he is already working with the Federal Government. That is one option.

Other options are to entice enhanced plans and advantage plans to provide that. There are lots of ways to do this. But if you check off and you check out the responsibility for some risk in the game, then you will never have the price cuts, you will never have the efficiency, and our seniors will be the victims.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

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

If Members listen carefully to the last speaker, the gentlewoman from Connecticut, I think they understand why we need this motion to instruct, because seniors need to know that the drug benefit is going to be a real one, not one that could depend on the whims of one insurance company or another.

When the gentlewoman from Connecticut (Mrs. JOHNSON) went through her explanation, she had 25 ways this will all work, this company will compete against that company. Well, the truth of the matter is these companies do not want to compete with each other, and that is why the Republican bill gives money to the insurance companies to try to get them to provide the benefit, rather than put it in as a benefit in Medicare, which is the way Medicare pays for doctors and hospitals and physical therapists and occupational therapists.

So what we are hoping to do is have the conferees come back with the Senate provision that says, if all this insurance business does not work out as the Republicans hope it will, seniors can count on a prescription drug benefit being there.

The second reason why we need this instruction to the conferees is we do not want the Republican conferees to use the prescription drug issue as a stalking horse to destroy the Medicare program as seniors know it and like it and want it to continue. They should not use this to undermine and privatize the Medicare program.

We should not adopt provisions that will force a Medicare beneficiary to pay more simply to stay in regular Medicare, and we should not force them into a choice between paying more or entering a plan that takes away their ability to see their own doctor.

I listened with much attention to what our Republican colleagues were saying in this debate, and it is Orwellian: ''We are going to reform an outdated program that is going broke.''

Well, this is not an outdated program. It is an excellent program. And it is not going broke, because every time there is a problem with that trust fund, simple changes can be made to adjust it so it stays viable. But if it is going broke, why did the Republicans give all that money away in tax breaks to millionaires? We should be using it to make sure Medicare will be there for the seniors that are on the program now and those who are going to be looking to it, especially the baby boom generation.

The gentleman from Louisiana (Mr. TAUZIN), my friend, my chairman, said, ''Those Democrats are asking us to take the Democratic bill.'' We are not asking that at all. We are asking that we take the provision in the Senate-passed bill, which passed by a large bipartisan majority, rather than the provisions that passed by one vote, mainly Republican votes, in the House of Representatives.

I think that we ought to cast away these Orwellian statements, like ''this will be like Federal employees,'' when we know it will not be the same. Let us instruct the conferees. Vote aye.

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

Mr. Speaker, let me point out to my friend from California, the Committee on Energy and Commerce had a chance to look at the Senate-passed bill. My colleagues on the other side offered it in the markup of the Committee on Energy and Commerce, and it was resoundingly rejected by the Committee on Energy and Commerce in markup.

I notice my friend did not choose to offer the Senate-passed bill as the final motion on the House floor on the debate just several weeks ago. Instead, they chose to offer their vision instead of the Senate-passed bill. Now you wonder why they claim the Senate-passed bill is such a great bill.

Let me also point out the problem I think of this whole Medicare debate and why this bill was so important and why for several Congresses now we have passed Medicare reform and a prescription drug benefits bill over to the other Chamber, never to see them become law. The problem is, why have Medicare prescription drugs not been added to Medicare many, many years ago?

Medicine changed many years ago. When Medicare first started, Medicare was all about taking a senior to a hospital and putting them in a hospital bed and caring for them in a hospital. We know that medicine has changed during that period of time. Medicare has not.

The whole purpose, the whole reason we have been in this massive, historic debate over Medicare prescription drugs is because no one in past decades before this majority came around chose to modernize Medicare with a prescription drug benefit; and without a prescription drug benefit, indeed Medicare is outdated. It is not up to the task of taking care of senior citizens today. It is built around a premise that we are going to put them all in the hospital. It is not built around the correct premise today that many seniors depend upon prescription drugs to maintain their health, to prevent the need to go to the hospital, to maintain their condition, to prevent the spread of disease that has begun to inflict their bodies, indeed, to make sure that those diseases are kept in some sort of control.

Prescription drugs is the way in which so many seniors depend upon health maintenance today. To claim that Medicare is not outdated, when for decades it has not been updated with a prescription drug benefit, is not only wrong, it is, I think, the reason we have had this great debate in this Chamber for the last several Congresses and the reason why this majority is so very proud to say that we finally passed a bill that really has a chance of becoming law.

We are going to go now into a conference with the Senate and we are going to debate the issues of whether competition should be a part of this program or whether the government should be the sole provider of this new benefit. We are going to debate in the Senate whether the reforms this House agreed upon are better than the Senate-passed bill which was rejected in the Committee on Energy and Commerce. I think we will win that debate. But we cannot win it if we give up with this motion to instruct and say we will take the Senate bill, which was already rejected in the Committee on Energy and Commerce and not even offered on the floor by my friends on the other side when they had the chance to do so.

The bottom line is this motion to instruct takes us backwards. It indeed says, well, Medicare, which has not been updated, which has not been modernized to take care of seniors' real needs today, will be the sole provider forever of health care needs for seniors, when we know that competitive choices ought to be available to them.

□ 1630

It says, we will count on the government always to be the provider of these new benefits, and that seniors will not have the choice of going to a better plan if they can find one and, in fact, if one is offered to them in their community. It says, even if we are putting up the cost of the premiums, they will not have that choice. That takes us backwards.

We ought not take a backwards step today in this Chamber. We ought to move forward, take on the Senate and defeat the Senate bill, as we did in committee in the conference, and come out with a better bill that looks much more like the House bill passed on the House floor several weeks ago.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I am glad I was here for the remarks of the gentleman from Louisiana (Mr. TAUZIN). We do not have to destroy Medicare to add a prescription drug benefit. Add prescription drugs to Medicare. We do not need to change Medicare to add a prescription drug benefit. Keep Medicare. It is not outdated. Bring it up to date, if we want to put it that way, by putting in a prescription drug benefit in Medicare. But you do not do that. You are using prescription drug benefits to change and destroy the Medicare system.

The actuary says, under the Republican plan, by 2010, the likely increase in costs for the present Medicare will be 25 percent. You are not only eroding the possibility of use, you are, in the end, destroying Medicare as we know it. And we Democrats will be glad to go

to the electorate in 2004 with the Republican notion that Medicare is outdated, I say to the gentleman from Wisconsin (Mr. RYAN) or to the gentleman from Louisiana (Mr. TAUZIN), the notion that Medicare is failing, ask the seniors of this country whether it is outdated or whether it is failing. They are going to say, we need prescription drugs; give it to us.

Our Republican colleagues do not do that, though they use it as an excuse for changing or destroying Medicare. What they do is have a prescription drug program that is an insurance program without any assurance whatsoever. There is no assured premium, there is no assured deductible, there is no assured set of drugs, and there is really no assured plan. There is no assured plan. The insurance carriers are supposed to come into this, and if they do not, what is there? There is an empty container of pills, I guess. That is what we are left with.

So essentially what our Republican colleagues are doing is using the alleged bankruptcy of Medicare as a smoke screen to destroy it. They are talking about 2036 to wreck Medicare 25 years earlier. That is what you want us to do in the conference committee. Go ahead, try it. If you try it, I hope you fail. If you succeed, we Democrats are all going to vote no. It was not very overwhelming, I think it was one vote, was it not, that took you 45 extra minutes to pass your bill?

Mr. Speaker, we will be glad to go to the country with the Republican plan against ours, destroying Medicare versus our determination to save it and make it even better.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member on the House Committee on Energy and Commerce.

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

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

I rise in support of the motion to instruct the conferees. The motion is very simple. It says to my colleagues and to the conference, reject the motion to privatize Medicare which is included in the Republican plan. That is what it says. The Republicans have never liked Medicare. I sat in the chair and I watched them with the dirty looks they had on their faces when we passed the legislation the first time. They have not changed since. Mr. Armey and Mr. Gingrich and now the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, have pointed out that that is their purpose, to kill Medicare as we know it now. It is my hope that this motion to instruct will prevent that kind of unfortunate event from taking place.

The Democrats oppose very strongly leaving seniors naked to the magic of the marketplace. The magic my Republican colleagues would apply to the senior citizens is to see to it that their benefits under Medicare would magically disappear and to see the magical disappearance of huge sums of Federal money into the pockets of the insurance companies who would be the principal beneficiaries of this legislation as opposed to the senior citizens.

We already know that these private plans do not work. They cost more, some 13.2 percent according to a GAO study which was made. Four hundred thousand seniors got dumped last year from these plans, and it is interesting to note that only a small percentage of people in the rural areas have these kinds of plans available to them.

Now, what will happen if this takes place? Under this privatized Medicare, seniors and taxpayers are going to pay more out of their own pockets. The life of the Medicare trust fund is not going to be expended; the Republicans have already agreed to that. The privatization provisions of H.R. 1 that begin in 2010 would give the Medicare beneficiaries a fixed voucher which would magically shrink as time passes, and the insurance lobby and the HMOs would get massive influxes of government cash and unlimited subsidies which are nowhere defined in the legislation except to say that they shall be sufficient to ease people into these plans to cause them to do it.

Privatization of Medicare would take away serious and important rights from seniors today. Seniors today get access to their doctor, hospital, home health care agency, or nursing home facility guaranteed. That will not happen under this legislation. Under this privatized Medicare model, insurance plans would determine which doctors seniors could see and what drugs they would take. Insurance companies would determine which benefits and treatments would be covered and how much the seniors would pay. All of this would change year by year at the whim of people who are administering this legislation at this particular time, who not only support the legislation but who do not like Medicare and who want a change.

America's seniors are being visited with bait and switch. The bait is they say they are going to give some kind of prescription pharmaceutical benefits. That is mostly hooey, and there is not much in the way of pharmaceutical benefits here. But they would be called upon, or largely forced, to switch from Medicare as we now know it, and they would find themselves then in the cold-hearted hands of the same miserable HMOs that have been denying them the rights that they need and that they want and that triggered this House in responding a year ago to putting forward a Patients' Bill of Rights to try and afford them some rights to appeal, some rights to be protected and some rights to control their own treatment. That is what is at stake here.

So when my colleagues vote on this matter, remember, my colleagues are voting to protect the rights of senior citizens. They are voting to prevent privatization of Medicare, an outrage that should not be permitted by this Congress.

Mr. TAUZIN. Mr. Speaker, I yield myself just 1 minute to respond to my good friend.

First of all, I am not sure who was in this Chamber way back when Medicare was first adopted by the House. I assume my friend, the dean of the House, was here, but I do not know of anybody else who was who currently serves in the Chamber. I can tell my colleagues there were no only dirty looks on this side when it comes to Medicare. We support Medicare, believe in it.

My mother depends upon it. As I have often said on this House floor, she is a three-time cancer survivor who loves Medicare. That is why when we wrote this bill we preserved her opportunity to remain in fee-for-service Medicare if she chooses. But I want to give her something else, and that is why this bill provides for competitive choices for her so that she can choose a premium-based insurance program if it is better for her. If she wants to stay under Medicare, she can. In either case, she gets the Medicare prescription drug benefit that was not available to her all of these years until this majority came forward and provided one in this bill.

Reject this motion to instruct. Let us go to the conference with the Senate and let us be hopeful and positive that we can negotiate with the Senate a version that will pass the House and Senate and get signed into law.

Seniors understand. They are tired of waiting. They are tired of this debate. They are ready for a law that gives them a prescription drug benefit, and so is my mother.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, if the Republicans love Medicare so much, why did they not put this drug benefit in the Medicare program like the hospitalization program and a physician program? Unless that is called tough love. Because under the bill, seniors, grandma and grandpa have to go out and buy a policy outside of Medicare.

Mr. Speaker, there has been a lot of talk about if we pass this motion we are going to bankrupt the program. There is a lot of talk about this is the vision for Medicare. Well, let me remind my colleagues that this bill passed by a vote of 215 to 214, one slim vote. In fact, the rollcall was held open for almost an hour so the Republican leadership could twist some arms around here, make some promises, and finally get the bill to pass.

What we are asking today is to change two sections of this 700-page bill. Two years ago, we had a hearing on this bill before the Committee on Ways and Means, and before the hearing were some insurance association

people and we asked them point-blank, do you think your members are going to sell a drug-only policy to the seniors of the country? And they said, are you nuts? Before we get the premium in the bank from the policy, the senior who just bought the policy will have filed three claims. There is no way it is going to work.

So what we are asking for today is for a fallback position. If you are so sure it is going to work, the fallback position will never be in effect. But if, in fact, you are wrong, what we are saying then is, then let us have the Medicare program provide grandma the drug benefit.

But that is not what is going on here. We are told that grandma should go and get a private HMO. I come from Milwaukee, Wisconsin. We have four companies selling those HMOs. The last one is going bankrupt and will be out of business shortly. In fact, over 2.5 million seniors in this country were kicked out of their HMO policies.

It is a failed experiment. This Republican bill starts the experiment again, even though we know it does not work.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I would like to address a few of the points that were made here on the floor. The gentleman from California, I think he has left the floor, said, Medicare is really not going broke. That is a new one to me. Because, Mr. Speaker, if we take a look at Medicare, the actuaries, I am not talking about the Congressional Budget Office even, but the actuaries are telling us, Medicare has a $13.2 trillion liability today. Today's Medicare program is going insolvent in 10 years, before doing anything, before adding any benefit.

For example, if we had to actually pass legislation right here through taxes and we wanted to make Medicare solvent for the next generation, today we would have to raise Medicare FICA taxes by 80 percent. An 80 percent FICA tax hike is what would be required to fix this unfunded liability. Maybe that is, after all, what some on the other side are seeking to achieve.

What we are trying to achieve here, Mr. Speaker, is to improve Medicare today by making it more comprehensive for today's seniors but also to save it for that baby boom generation. This motion to instruct will not save Medicare. It will bankrupt Medicare.

So when we take a look at the reforms we have in this bill that the other side is targeting to try and jettison from this product, what we are simply trying to do is add choices. Give seniors more choices so they, like us in Congress, Federal workers can choose who their provider is. If they like what they have, if they have traditional Medicare and they like it and they have their drugs paid for by their employer or their supplemental paid for by someone else, great. They are the lucky ones, wonderful. They can keep it.

But if like many of the constituents I have in Wisconsin, they have to dig deep into their pockets and buy a very costly supplemental, then they have to pay for their drugs out-of-pocket. Medicare is outdated for them. It is not comprehensive.

□ 1645

We want to make it comprehensive. And by giving seniors more choices, that active choice drives competition because providers, all of those providers who are regulated and overseen by Medicare, who have to give a comprehensive benefit regulated by Medicare, those providers competing against each other for seniors' business will bring competition to the system and competition to the system will bring down costs over the long run. And the only way to make Medicare solvent for the baby boom generation is to bring down costs over the long run, otherwise we will have to raise taxes or we will have to cut benefits. That is what we want to avoid.

Now, this is not Medicare+Choice. One of the speakers, the gentleman from Michigan, said this is the same old problem again, like Medicare+Choice. This is anything but Medicare+Choice. This is much like what Federal employees have, and that is the title of this bill that the motion to instruct seeks to remove. And the concept basically goes like this: today, under Medicare, if you want to get reimbursed as a provider, you have got to have an operation, a procedure. Medicare pays providers to operate on people, to have procedures. But if you give, as a provider, a person preventative medicine, disease management, keep them healthy, have better results, you do not get paid. So the incentive structure is really bizarre.

What we want to do is reward providers for keeping people healthy, for giving them preventative medicine, for giving them disease management, for keeping them healthy, out of the hospital, out of the operating room. And guess what? Not only is that a healthier, happier life, it saves money; and that is what we are trying to do over the long run so we can modernize this program, give seniors the same options and choices like we as Members of Congress have; and if we can accomplish that, we can save money over the long run and save this very important, very vital program for the baby boom generation when they retire.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I was amazed to listen to the gentleman from Wisconsin (Mr. RYAN) on three points.

First of all, he said that Medicare is going broke. Well, Medicare is not going broke. It is doing fine. But the only reason it is losing money is because of Republican policies. If you remember in the last years of the Clinton administration, the day when Medicare might go insolvent kept going further and further away because we were paying down the debt. But once the Republicans came in and the Republican President came into power, all of the sudden with all of these tax cuts and all of this borrowing to pay for the debt, which is now something like $500 billion, yes, they are taking money away from the Medicare trust fund, and so that day of reckoning gets closer and closer.

You have caused the problem with the solvency of Medicare because of your tax policies as Republicans.

Then you talked about Federal employees and Members of Congress. Well, I was here last year when the gentleman from Florida (Mr. DAVIS) got up on the floor and demanded that we pass a resolution that said that Federal employees and Members of Congress would not have to enter into this Republican Medicare prescription drug program that you are proposing because the fact of the matter is it is not as generous, what you are proposing is not as generous as what Members of Congress and Federal employees have, and that is why you wanted to make sure that they were insulated and would not be part of the program.

Finally, you said you wanted to keep costs down. Well, the easiest way to keep costs down is to allow, as the Senate bill does, to negotiate drug prices so that the Secretary of Health and Human Services can negotiate on behalf of all the seniors and lower drug costs. But you do not want to do that. You put a noninterference clause in the House bill so he cannot negotiate and lower prices. So do not tell me about saving money. You are not saving money. You are not saving the program. You are killing the program.

And I listened also in amazement to the statements that were made by my chairman, who I respect a great deal, the chairman of the Committee on Energy and Commerce. But the fact of the matter is you know if we do not go to conference and adopt significant portions of this Senate bill, we will not have a bill. The President will not have a bill to sign. So when we say that we want a drug benefit and we want to make sure there is a fall-back so if there is no HMO in the area or no two HMOs in the area, that we guarantee that there is a drug benefit, you know that if we do not put that in the bill, we will never get the votes in the Senate to pass the bill and there will not be a drug benefit.

You know also that if we have this House version that says that by 2010 we are going to get out of Medicare, we are going to have a voucher and that the traditional Medicare is going to cost more, that the Senators will never pass this bill. It will never go to the President. So what we are trying to say here with this motion to instruct is, if you really want to continue the Medicare program, do not have a voucher,

do not kill the program and force people to pay more for traditional Medicare. And if you really want a drug benefit, make sure there is a fall-back to traditional Medicare and you can get a drug benefit. Because you know darn well that if in a given area there is not the HMO or the private plan that is going to be offered, then the person will not get the drug benefit.

But even more than that, practically speaking, if you do not go a certain way in the direction of the Senate bill and compromise a little, because you know that passed overwhelmingly, we will never have a bill that goes to the President. So be realistic and pass this motion to instruct.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me time.

For 3 years the House Republicans have done what the Democrats failed to do for the 30 years they were in the majority and that is pass prescription drug coverage for seniors. And every time we have moved to pass legislation, our colleagues and friends on the other side of the aisle have done their best to throw up road blocks and Mediscare, complete this year to buying TV ads already, attacking members of the committee who voted for prescription drug coverage. They want to make it a campaign issue, and that is wrong.

My parents until their death relied upon Medicare, and they paid for their prescription drugs out of their own pockets because their plan did not cover it. My in-laws and others in my district need this help, and they need it now.

Our budget sets aside $400 billion, $400 billion to help provide prescription drug coverage for seniors. The last time the Democrats put forward a budget, they reserved 360-some billion; $400 billion is what we are putting forward over the next 10 years.

Their plan, for which they did not even have a budget, would cost a trillion dollars. Now, on the one hand they will say Medicare is not going insolvent, and yet my colleague from New Jersey just blamed Republicans for whatever insolvency there may be. You cannot have it both ways.

The way we want it is not to negotiate with ourselves. We want to negotiate with the Senate to come out with the best package possible to make sure that every senior in America has access to affordable prescription drug coverage, and coverage that we can afford to continue for the length of Medicare, which should be forever.

We have got to get this right. We have to do it right. We have to use the competitive forces of the marketplace to make sure that we squeeze out the excesses so that we can extend the benefit, especially to those who need it most. And our legislation does that. It targets the greatest relief, the greatest help to the seniors most in need. And representing the 12th poorest district in this country, I will tell you, I am proud of this bill. I am proud of what it will do for our low-income seniors, and I am proud of what it will do for Medicare and America.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, seniors must have a guaranteed drug coverage plan. Has the private market through Medicare+Choice plans been able to do this? On the contrary.

The privatization experiment with Medicare+Choice has shown that privatization is a failure. Privatized health care works by limiting coverage to healthy people and shifting more costs onto patients. Medicare HMOs have done just that by raising premiums and co-payments and dropping patients every year. Last year, the Medicare+Choice program eliminated coverage for half a million seniors. For those few seniors who still have coverage, they pay more and they get less.

This experience should teach Congress that relying solely on the private market is a losing strategy for seniors. Only Medicare has been able to provide reliable, stable coverage. Only Medicare has been able to minimize excess waste and overhead in order to keep costs down. To compare, private plans have 15 percent administrative costs compared to 2 percent for Medicare. A GAO report has confirmed that Medicare HMOs are responsible for increasing Medicare costs.

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

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Florida (Mr. DAVIS) has 2½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the legislation that passed this body a few weeks ago will essentially turn the Medicare program over to private health insurance and the HMOs, the very organizations that have dropped 52 percent of the Medicare enrollees in my State of Connecticut over the last 4 years. It will do so by requiring fee-for-service Medicare to compete against private plans to offer doctor and hospital coverage by the year 2010.

You know the phrase ''buyer beware''? Let me just say, seniors beware. There has been no HMO or private health insurer who has come forward to date since the passage of this legislation to say they want to do this. And they do not want to do it. Why? Because they do not believe that it is going to be profitable to them. And what they want from the Federal Government is a guarantee that they will get subsidies from the Federal Government to make sure that their profit margins are what they want.

The goal of the Republican bill is simple: lure beneficiaries away from the program. Leave Medicare to care for only the sickest seniors. Drive up the program's costs and effectively turn Medicare into a program that could be cut or even eliminated.

This is the beginning of the end of Medicare. It will turn it into a voucher program. And you know, down the road, if seniors decide to choose the Medicare program versus a private program, they will be penalized by paying a higher premium. That is the choice that they are going to have. It is not the Medicare in which my 89-year-old mother is enrolled today, one that has provided quality health care and a measure of economic security to hundreds of millions of seniors over the past 4 decades.

Let us not privatize Medicare. Let us strengthen it so that, in fact, we can prepare for the retirement of the baby boom generation. Let us provide them a real benefit that offers seniors a reliable prescription drug benefit that does not change from ZIP code to ZIP code the way this motion to instruction wants to engage in.

Let me tell you that the Medicare prescription drug proposal that has been proposed on the other side does not begin until 2006, pegs their costs to the increased cost of prescription drugs, and does not allow any government to drive down the costs of prescription drugs.

It is wrong. Let us pass this motion to instruct and do something that will be beneficial for seniors.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining. The gentleman from Florida (Mr. DAVIS) has 30 seconds remaining.

Mr. TAUZIN. Mr. Speaker, I yield myself the final minute on our side.

Mr. Speaker, I think it is important to point out that while the bill we passed, passed by only one vote, without the nine brave Democratic votes who came with us 2 weeks ago to vote for a Medicare prescription drug reform bill to the Senate, that bill would not have passed. I want to thank those nine brave Democrats for standing tall against a lot of pressure to do the right thing.

Secondly, I want to point out that the Democratic vision that is literally represented by this motion to instruct was defeated when the substitute was offered on the House floor by 175 for to 255 votes against. It was soundly defeated. This vision of a government does it all. The government provides the benefit; and no one else, no competition, no reform was defeated.

Third, I want to point out that these are not my numbers. These are the actuaries who work for Medicare; the Medicare actuaries tell us by the year 2016 Medicare starts paying out more money than it is taking in. And the actual date on which insolvency occurs is 2026. That is what we are up against.

Defeat this motion to instruct. It is an old vision that was defeated on the

House floor. Support us going into conference with our new vision, which is a Medicare guaranteed benefit, fee-for-service for seniors whether they stay in Medicare or choose one of these new options. You defeat the new options, and you defeat those vital reforms as we go in to conference. Vote ''no'' on this motion to instruct.

Mr. DAVIS of Florida. Mr. Speaker, the only defense in support of a voucher was a misstatement on the other side that there is a guaranteed issue that even seniors with health problems over 65 are guaranteed HMO coverage. That is a false statement.

There is no guarantee with respect to the level of coverage. There is no guarantee with respect to the price or affordability.

Mr. RYAN of Wisconsin. If the gentleman will yield, on page 182 of the bill.

Mr. DAVIS of Florida. Mr. Speaker, I reclaim my time.

□ 1700

What we are left with is any senior over 65 that has a health problem at all under the statement of the chief actuarial of Medicare, this is not a Democratic or Republican statement, can experience up to a 25 percent increase in price and is left with a voucher in no way to afford traditional fee-for-service Medicare.

There are seniors in this country, they are not just Democrats, Republicans or Independents, they are senior citizens. They have outlived their good health, their savings. They tried to plan responsibly for their retirement. Unless we adopt the motion to instruct and defeat this voucher, we will leave these seniors in the cold.

I urge adoption of the motion to instruct.

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS).

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

Mr. DAVIS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.

HONORING AND CONGRATULATING CHAMBERS OF COMMERCE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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 economies.

The Clerk read as follows:

H. CON. RES. 215

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the ''Good Roads for Michigan'' campaign in 1910 and 1911, helping to gain voter approval of a $2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the extension of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing gratitude for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers with their jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of businesses and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and National levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 215, a resolution to honor and congratulate the chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

At the Federal level, the U.S. Chamber of Commerce makes up the world's largest not-for-profit business federation. It represents 3 million businesses, 3,000 State and local chambers, 830 business associations and 92 American Chambers of Commerce abroad. These groups are of all sizes and shapes, from large Fortune 500 companies to home-based one-person operations. A full 96 percent of the membership is made up of businesses with fewer than 100 employees.

The real work that is done in the trenches is done by local and regional chambers of commerce. It is these organizations that employ labor law experts, human resource professionals and pro-business staff lobbyists within one organization to bring businesses resources that they need. They provide help and information from the big picture of public policy to the nitty-gritty of complex employment laws.

In addition, these local and regional chambers give small businesses a legislative voice to promote business, protect the private sector from excessive

government mandates and help prepare States for prosperous futures.

Mr. Speaker, I can tell my colleagues as well that these local chambers of commerce are leaders in their communities, assisting in civic organizations and in community pride work, cleaning up communities, helping neighbors, working on community events, helping for charitable causes, the men and women, the entrepreneurs of our communities who are really the success story of our economy.

Mr. Speaker, I ask that all Members join me in supporting H. Con. Res. 215, supporting and honoring our chambers of commerce and their members. They offer unprecedented benefits, discounts and opportunities to business, which helps make States, regions and localities strong, healthy and vibrant.

Mr. Speaker, I reserve balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

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

Mr. DINGELL. Mr. Speaker, I rise to join my colleagues in support of this fine legislation, H. Con. Res. 215, and I join in the congratulations of the Detroit Regional Chamber of Commerce on its 100th anniversary.

I want to first thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce, for making this event possible, and I also want to commend my good friend the gentleman from Michigan (Mr. KNOLLENBERG) for his leadership and for the fine work that he has done on this legislation. I also thank all of my Michigan colleagues who joined on as co-sponsors; and, indeed, this is good legislation.

Mr. Speaker, the business community has been much enriched by the fine work of the Detroit Regional Chamber of Commerce and by its work as a major economic engine for southeastern Michigan. It has played an enormously important role over Michigan's prosperity in the last 100 years.

Beginning in 1903 with 253 charter members, the Detroit Regional Chamber grew into what it is today, the largest chamber of commerce in the United States with more than 1,000 active members. During that time, the Detroit Regional Chamber has made many important contributions to the communities, not only in my district but throughout the entire part of southeastern Michigan. It began with its important participation in the Campaign for Good Roads in 1910 and 1911. As it has gone forward to do its splendid work in establishing mass transit systems, the SMART bus system, the Detroit Regional Chamber has indeed proven itself a reliable community leader in southeastern Michigan in all kinds of good causes.

With a new century coming on, new challenges face our region. Judging from the past 100 years, the Detroit Regional Chamber will continue to remain an important leader that southeastern Michigan has come to depend upon. I am sure that my colleagues and I stand ready to continue working with the Detroit Regional Chamber and other community leaders to meet the challenges that face our part of the country.

Mr. Speaker, I salute the Detroit Regional Chamber on its 100th anniversary and wish it great success in the 21st century.

Mr. KNOLLENBERG. Mr. Speaker, today we pay tribute to chambers of commerce for their efforts to improve our communities and strengthen economy. I would like to take this opportunity to congratulate the Detroit Regional Chamber in particular. This year it is celebrating its 100th anniversary of existence.

Chambers of commerce are integral to millions of companies, large and small, throughout this country. They represent businesses and promote their interests before federal, state, and local governments. The Detroit Regional Chamber is no different. Currently over 19,000 businesses across southeast Michigan are members of the Detroit Regional Chamber, and that number continues to grow.

During their century of existence, the Detroit Regional Chamber has had a major impact on Michigan and the United States economy. House Concurrent Resolution 215 highlights its excellence and I am pleased so many of my colleagues from Michigan could cosponsor the resolution. I would particularly like to thank my friend, the ranking member of the House Energy and Commerce Committee and fellow Michigander, Congressman JOHN DINGELL, for introducing this resolution with me and working with the Chairman to see this resolution could be brought to the floor today.

House Concurrent Resolution 215 recognizes many of the chief accomplishments of the Detroit Regional Chamber. In 1903, the Detroit Board of Commerce was formally organized with 253 charter members. Since then, it has been known by several names, most recently in 1997 it officially became the Detroit Regional Chamber.

The resolution points out the Detroit Regional Chamber's involvement in a 1910–11 campaign to gain voter approval of a $2 million bond proposal to improve the roads of Wayne County and played a prominent role in the formation of the United States Chamber of Commerce. It also notes the Detroit Regional Chamber's help to develop the first traffic lights in Detroit in 1925 and the establishment of a bus network connecting inner-city workers with their jobs in 1969, which resulted in the creation of the Southeast Metropolitan Transportation Authority (SMART).

Later this week on Wednesday the Detroit Regional Chamber will celebrate their one hundred year anniversary at Greenfield Village in Dearborn. Unfortunately, I will be here in the House of Representatives and will not be able to attend, but I am pleased the House could recognize the Detroit Regional Chamber by considering this resolution.

I urge my colleagues to support this resolution.

Mr. LEVIN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 215, to honor this nation's chambers of commerce for their contributions to help strengthen communities and local economies, and in particular to congratulate the Detroit Regional Chamber on celebrating its 100th anniversary.

Originally established on June 30, 1903 as the Detroit Board of Commerce, the Detroit Regional Chamber was formed with 253 charter members. The Chamber has seen many changes since that time—the organization has grown to include more than 19,000 businesses and has had several name changes. What has not changed is the chamber's record of service to the residents and businesses of the Metro Detroit area.

The Chamber has taken a leadership role in public policy in dealings with both the Michigan State Legislature and the U.S. Congress on legislation that may impact the business community. In recent years, they have effectively focused their efforts more broadly on coordinating the vital effort around efficient and secure operations at the U.S.-Canada border. Their annual Leadership Policy Conference, brings together business, government and community leaders to discuss a wide array of issues, from health care to energy policy and economic development to ethics. In attending these conferences, I have seen how the Detroit Regional Chamber has been increasingly involved in discussing and confronting the wide variety of challenges facing the City of Detroit and relations with the entire metropolitan area.

The Chamber also provides small business and international trade counseling and works to develop the region's economic viability by attracting people, money and jobs. The Chamber is also heavily involved in working toward transportation solutions to improve the ability of the workers in the region to get to their jobs.

It is fitting that we should take the time to recognize the 100th anniversary of the Detroit Regional Chamber and I offer my best wishes for their continued success as they begin their second century of service to Metro Detroit.

Mr. Speaker, I urge all my colleagues to support H. Con. Res. 215.

Mr. CONYERS. Mr. Speaker, I rise today to honor the Detroit Regional Chamber of Commerce as it celebrates its 100th anniversary. The Chamber has been consistently working over the past century on a wide range of issues running the gamut from public transportation to maintaining a quality and competitive workforce. For more than three generations the Chamber has played an integral part in the astounding growth and change throughout Detroit and Southeast Michigan. I am confident in the 21st century, which faces many new challenges, that the Chamber and its members will continue to make Michigan an outstanding place for families and businesses alike.

When less than a dozen businessmen got together February 3, 1903, to more effectively represent the merchants of Detroit, they were working in an environment drastically different from that of today. At the same time, the Ford Motor Company, then a small family business, had the nearly impossible dream nurtured by the young Henry Ford, that automobiles could be mass produced and made affordable to families in America. Much of the area was still rural and the automobile industry was only in its infancy.

Michael J. Murphy, the president of the Murphy Chair Company was the first leader of the Detroit Regional Chamber and in 1911, realized that the manufacture of automobiles

could have a far reaching impact on our economy and lifestyle the Chamber developed a campaign named ''Good Roads For Michigan'' campaign, and secured voter approval of a modest bond proposal the proceeds of which would then be used to improve Wayne County's then-woeful roads. Meanwhile, as its membership grew the Chamber found it necessary to expand, and build a modern three-story building as its headquarters.

The Chamber's early success was a sign of things to come. In 1920, Detroit police officer William Potts determined to do something about the problem of automobile traffic, rising at the time in Michigan as elsewhere. With thirty-seven dollars, he created the world's first traffic light, at Woodward and Michigan Avenues in Detroit. At about the same time, African American inventor Garrett Morgan invented the first electric automatic traffic light, providing the prototype on which today's four-way traffic lights are based, and which led the way for the creation of Davison Highway, the nation's very first expressway. The Chamber helped to install these first traffic lights, and through this magnificent technology, helped enhance the economic prospects of Michigan and indeed the world. The Chamber would go on to support the establishment of a train route between Detroit and Washington, D.C., providing a critical link between government and automotive innovation.

The Chamber's leadership has gone far beyond just doing business. In 1965, the Chamber took a dramatic step in favor of the Civil Rights movement, when it published an appeal in support of the United Negro College fund, stating, ''We must open the doors of opportunity.'' The Chamber further distinguished itself in 1975, when it decided to begin offering health insurance plans to companies with under 25 employees. This program remains extremely successful and has provided Detroit small businesses with health insurance for nearly 35 years.

Today, the Detroit Regional Chamber continues its astounding work. Under the leadership of Chairman of the Board Benjamin C. Maibach III, the Chamber strives to improve upon its past successes. It now has over 18,000 members, including the most diverse Board of Directors in its history. They include former Detroit Mayor Dennis Archer, Attorney David Baker Lewis, Dr. Arthur Porter, Frank Fountain, Roderick Gillum, Dr. Irvin Reid, Linda Watters, the Rev. Jim Holley, Yousif Ghafari, John James, Elham Jabiru-Shayota, Dr. Fern Espino, and Dr. J. Carlos Borrego.

I have great respect for the history surrounding the Chamber, and believe its efforts to improve the quality of life for all of Southeast Michigan's residents will continue. There is every reason to believe that the Detroit Chamber's next century will be even more successful than its first.

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

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

Mr. DINGELL. 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 Oregon (Mr. WALDEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 215.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE HARLEY-DAVIDSON MOTOR COMPANY

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and agree to the resolution (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.

The Clerk read as follows:

H. RES. 296

Whereas in 1903, boyhood friends, hobby designers, and tinkerers William S. Harley, then 21 years old, and Arthur Davidson, then 20 years old, completed the design and manufacture of their first motorcycle, with help from Arthur Davidson's brothers, Walter Davidson and William A. Davidson;

Whereas, also in 1903, Harley and the Davidson brothers completed 2 additional motorcycles in a makeshift ''factory'' shed in the Davidson family's backyard at the corner of 38th Street and Highland Boulevard in Milwaukee, Wisconsin;

Whereas the design features and construction quality of the early Harley-Davidson motorcycles proved significantly more innovative and durable than most other motorcycles of the era, giving Harley-Davidson a distinct competitive advantage;

Whereas in 1905, Walter Davidson won the first of many motorcycle competition events, giving rise to a strong tradition of victory in motorcycle racing that continues today;

Whereas in 1906, Harley-Davidson Motor Company constructed its first building, financed by the Davidsons' uncle James McClay, on the site of the Company's current world headquarters one block north of the Davidson home site, and manufactured 50 motorcycles that year;

Whereas in 1907, Harley-Davidson Motor Company was incorporated and its 18 employees purchased shares;

Whereas in 1908, the first motorcycle for police duty was delivered to the Detroit Police Department, beginning Harley-Davidson's long and close relationship with law enforcement agencies;

Whereas in 1909, to enhance power and performance, Harley-Davidson added a second cylinder to its motorcycle, giving birth to its hallmark 45-degree V-Twin configuration and the legendary Harley-Davidson sound;

Whereas during the years 1907 through 1913, manufacturing space at least doubled every year, reaching nearly 300,000 square feet by 1914;

Whereas Arthur Davidson, during Harley-Davidson's formative years, set up a worldwide dealer network that would serve as the focal point of the company's ''close to the customer'' philosophy;

Whereas Harley-Davidson early in its history began marketing motorcycles as a sport and leisure pursuit, thus laying the groundwork for long-term prosperity;

Whereas in 1916, Harley-Davidson launched ''The Enthusiast'' magazine, which today is the longest running continuously published motorcycle magazine in the world;

Whereas also in 1916, Harley-Davidson motorcycles saw their first military duty in skirmishes in border disputes along the United States border with Mexico;

Whereas in World War I, Harley-Davidson supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces, and the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley-Davidson motorcycle;

Whereas by 1920, Harley-Davidson was the world's largest motorcycle manufacturer, both in terms of floor space and production, with continual engineering and design innovation;

Whereas during the Great Depression of the 1930s, the company survived when all but 1 other domestic motorcycle manufacturer failed, on the strength of its product quality, the loyalty of its employees, dealers, and customers, steady police and commercial business, and a growing international presence;

Whereas in 1936, Harley-Davidson demonstrated foresight, resolve, and faith in the future by introducing the company's first overhead valve engine, the ''Knucklehead'' as it would come to be known, on its Model EL motorcycle, thus establishing the widely recognized classic Harley Davidson look and the company's reputation for styling;

Whereas Harley-Davidson workers in 1937 elected to be represented by the United Auto Workers of America, thus launching a proud tradition of working with Harley-Davidson to further build the company through advocacy and the development of effective programs and policies;

Whereas William H. Davidson, son of the late founder William A. Davidson, became president of Harley-Davidson in 1942 and would lead the company until 1971;

Whereas Harley-Davidson built more than 90,000 motorcycles for United States and Allied armed forces use during World War II, earning 4 Army-Navy ''E'' Awards for excellence in wartime production;

Whereas Harley-Davidson, during the 1950s and 1960s, recharged its sales and popularity with new models, including the Sportster and the Electra Glide, new engines, and other technological advances;

Whereas the Company developed the concept of the ''factory custom'' motorcycle with the 1971 introduction of the Super Glide and the 1977 Low Rider, under the design leadership of William ''Willie G'' Davidson, vice president of Styling and grandson of company founder William A. Davidson;

Whereas since 1980, as a national corporate sponsor of the Muscular Dystrophy Association, Harley-Davidson has raised more than $40,000,000 through company, dealer, customer, and supplier contributions, to fund research and health services;

Whereas in 1981, a group of 13 Harley-Davidson executives, led by chairman and CEO Vaughn Beals purchased Harley-Davidson from its then corporate parent AMF Incorporated;

Whereas by 1986, Harley-Davidson, against incredible odds, restored the company's reputation for quality and innovation and returned the company to vitality, thus ensuring a highly successful initial public stock offering;

Whereas throughout the 1980s and 1990s, Harley-Davidson became a national role model for positive labor-management relations, product innovation, manufacturing quality and efficiency, and phenomenal growth;

Whereas President Ronald Reagan, President William J. Clinton, and President

George W. Bush all have visited Harley-Davidson manufacturing facilities and extolled the example set by Harley Davidson through its practices;

Whereas the Harley Owners Group, with more than 800,000 members and 1,200 chapters worldwide, is celebrating its 20th anniversary year in 2003 as a driving force in the company's heralded ''close to the customer'' operating philosophy; and

Whereas Harley-Davidson Motor Company is today the world's leading seller of large displacement (651 cc plus) motorcycles, with annual revenues in excess of $4,000,000,000, annual motorcycle shipments in excess of 290,000 units, strong international sales, and 17 consecutive years of annual revenue and earnings growth since becoming a publicly held company: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of Harley-Davidson Motor Company, widely regarded as a tremendous American business success story and one of the top performing companies in America, as its employees, retirees, suppliers, dealers, customers, motorcycle enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Harley-Davidson has had on the business, social, and cultural landscape and lives of Americans and citizens of all nations, as a quintessential icon of Americana; and

(3) congratulates the Harley-Davidson Motor Company for this achievement and trusts that Harley-Davidson will have an even greater impact in the 21st century and beyond as a leading force for innovative business practices and products that will continue to provide enjoyment, transportation, and delight for generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 296, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company.

The history of the Harley-Davidson Company is the story of an American dream. Four young men began to experiment with the internal combustion engine in a tiny wooden shed. The motorcycle they developed and built goes on to serve for 100,000 miles and under five owners. That is the beginning of a legacy that has lasted a century and continues to go on strong today.

Harley-Davidson is an American institution, Mr. Speaker. The company also has a close tie with the American law enforcement community and with the U.S. during times of war. Harley-Davidson built motorcycles for the Detroit Police Department in 1906 and went on to build cycles for use by allied forces during World War I and built more than 90,000 motorcycles for the U.S. and allied forces during World War II.

This is a company that has weathered the ups and downs of the American economy, during times of war and of peace. And in keeping with the spirit of the United States, it never gave up, never stopped striving for success and always continued to push forward.

Not only is the Harley-Davidson a strong employer and provider of an excellent motorcycle, the company also has a heart. For 23 years, Harley-Davidson has supported the Muscular Dystrophy Association, raising over $40 million in company, dealer, customer and supplier contributions. Harley-Davidson hopes to raise a minimum of $5 million as part of its Road to a Cure during the 100th anniversary celebration.

I urge my colleagues to join me in supporting H. Res. 296, celebrating Harley-Davidson's 100th anniversary, as well as its amazing accomplishments and achievements in providing motorcycles, jobs and excitement over the course of a century.

While I have never been a Harley-Davidson motorcycle owner, I can tell my colleagues that my neighbors are, and they are emphatic about it, I would say nearly addicted, over Harley-Davidson's motorcycles. In fact, one of my neighbors has an antique that he has restored; and it is a gorgeous bike that he rode back to I think it is Sturgis for the big confab of motorcyclists.

So to those Harley-Davidson's riders in this Chamber now, congratulations on a great motorcycle; and to Harley-Davidson, the maker of those motorcycles, congratulations on your centennial.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I commend the distinguished gentleman from Louisiana, chairman of the Committee on Energy and Commerce, for moving this legislation so expeditiously to the House floor.

I rise in support of H. Res. 296, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, a great institution, manufactured great motorcycles and motor vehicles and one which has contributed mightily to American culture, American industry, which has a splendid relationship with the United Auto Workers and with labor. Indeed, their relationship with labor is a role model for labor-management relations and product innovation, as well as manufacturing quality and efficiency.

My constituents enjoy their vehicles; and I commend Harley-Davidson on its 100th anniversary, wish it great success in the next 100 years.

Mr. Speaker, with great pride and pleasure, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), my distinguished friend, a great Member of Congress, with my thanks and commendation for introducing this legislation.

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman from Michigan (Mr. DINGELL) for yielding time and also to recognize the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, for expediting this resolution through the Committee on Energy and Commerce.

Mr. Speaker, the resolution before the House today recognizes the 100th anniversary of the Harley-Davidson Motor Company. In 1903, four men, William Harley and brothers Arthur, Walter and William Davidson, completed work on their first motorcycle in a small shed in Milwaukee, Wisconsin. The company founded that day has gone on to produce the world's finest and most popular motorbikes. Today, Harley-Davidson has 8,168 employees throughout the country, with nearly 4,000 working in Wisconsin.

What started as a small business at the beginning of the last century soon developed into the largest motorcycle producer in the country. Harleys can be seen at nearly every turn in recent American history.

During World War I, Harley-Davidson supplied most of the 20,000 motorcycles used by the Armed Forces. The day after the armistice was signed, Corporal Roy Holtz of Chippewa Falls, Wisconsin, was the first American to enter Germany. He was riding a Harley-Davidson.

During World War II, Harley-Davidson suspended production of its civilian motorcycles. The company produced some 90,000 motorcycles for U.S. soldiers and was awarded four Army-Navy ''E'' Awards for excellence during wartime and for their wartime production.

In 1953, Harley-Davidson became the sole U.S. motorcycle manufacturer, a distinction it would hold for the next 46 years.

□ 1715

During this time, Harley produced some of its most innovative designs. The first Sportster was offered, which premiered a 55-cubic inch overhead valve engine.

Also the Super Glide and the Super Glide II were introduced with a rubber-isolated, 5-speed powertrain and welded stamp frame. Additionally, the Ultra Classic Electra Glide debuted. This motorcycle became the first Harley to include sequential port electronic fuel injection.

To celebrate its 100th anniversary, Harley-Davidson has planned a 3-day gala beginning on August 28 in Milwaukee, Wisconsin. It will include exhibits on design and manufacturing of

the Harleys, music, fireworks and ceremonies on Lake Michigan, and a parade of 100,000 Harleys through downtown Milwaukee. Leading up to the festivities will be events in every corner of the country.

Harley-Davidson is a remarkable corporation that demonstrates American ingenuity, dedication, and workmanship. I urge my colleagues to join me in honoring Harley-Davidson for the jobs they create, the quality of the products they manufacture, and their lasting contributions to motorcycling in this country and around the world.

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman on the Committee on Energy and Commerce for expediting this bill, and I thank the gentleman from Wisconsin (Mr. KLECZKA) for drafting this legislation and moving it through the committee and bringing it here to the floor today.

I represent the First Congressional District of Wisconsin, which is just below Milwaukee. We in our area have a number of the employees that work for Harley. We have the distribution center in Franklin. We also make Buell motorcycles, which is a division of Harley-Davidson. Eric Buell, an entrepreneurial upstart, started Buell Motorcycles, it is now a part of Harley, and that is very much in keeping with the tradition of Harley-Davidson. We have 4,000 employees just in the Milwaukee area who are so proud to produce Harley-Davidson motorcycles.

Harley-Davidson is an icon in the American culture. They more than just represent the American idea and dream of entrepreneurship, of starting a business in a woodshed in Milwaukee in 1903, and bringing it to a wonderful corporation providing a lot of jobs and pleasure.

Mr. Speaker, more than that, Harley-Davidson is America. It is America because it brings our beautiful hogs all around the world. It is an ambassador of some of the greatest craftmanship of America. What is occurring this year on its 100th-year anniversary is events are taking place not just in Wisconsin, not just in America, but events are taking place all over the world to celebrate the 100th-year anniversary of this wonderful motorcycle, all of which are culminating in a huge event at the end of August in Milwaukee, Wisconsin. We are anticipating 10,000 motorcycles to ride in on that weekend with 200,000 people coming.

I want to add my voice to the rest of those who have spoken today to commemorate Harley-Davidson, an American icon in our culture, something which has been there to provide for our American defense forces in World War I and World War II, has provided great jobs and given a lot of pride to the workers, and something that has given great pride to the riders and owners who restore these beautiful Harley-Davidson motorcycles.

Mr. KIND. Mr. Speaker, I rise today to recognize the 100th anniversary of the founding of the Harley-Davidson Motor Company, an institution that has been a significant part of the social, economic, and cultural heritage of the United States.

Harley-Davidson is special to Wisconsin. In 1903, William S. Harley and Arthur Davidson designed and produced their first motorcycle. They continued to manufacture motorcycles, with help from Walter and William Davidson in Milwaukee, Wisconsin, and soon the city became headquarters for the Harley-Davidson Motor Company.

Since the first small shop opened a century ago, Harley-Davidson has designed and produced millions of motorcycles enjoyed by people all over the globe. From the first V-twin powered motorcycle in 1909 to the Softail Deuce in 2003, Harley-Davidson has proven itself to be a leader in technological innovation, a tradition we hope will continue for years to come.

Mr. Speaker, Harley-Davidson has come to the service for this country when asked and without hesitation. During World War I, the company supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces. In fact, the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley. At the outbreak of World War II, the company almost entirely suspended its civilian line in favor of military production. By war's end, almost 90,000 motorcycles were produced for the military.

When we constantly hear stories of corporate greed and misconduct, it is refreshing to have a company like Harley-Davidson leading by example by donating millions to reputable charities. For example, since 1980 the company has been a national corporate sponsor of the Muscular Dystrophy Association, raising more than $40 million to fund research and health services.

The impeccable craftsmanship and high-reliability of Harley-Davidson motorcycles is evident in the company's intensely loyal fan base. Since its inception 20 years ago, the Harley Owners Group, affectionately known as "H.O.G.," has grown to more than 800,000 members and 1,200 chapters worldwide.

Mr. Speaker, I want to take this opportunity to congratulate the 8,168 employees, over 4,000 of which are in the great state of Wisconsin, Harley-Davidson for their 100 years of hard work and dedication. Each of them is part of a company that has enjoyed a long, rich history and tradition. I know I stand with the rest of my colleagues in wishing Harley-Davidson the best of luck for the next 100 years.

Mr. SENSENBRENNER. Mr. Speaker, today I rise to express my strong support for H. Res. 296, which recognizes the 100th anniversary of one of America's greatest companies—the Harley-Davidson Motor Company.

For one hundred years, Harley-Davidson has been a testament to American hard work, perseverance, and ingenuity. Today, Harley-Davidson remains an American institution and is recognized all over the world as the manufacturer of the best motorcycles in the world.

Born in Milwaukee, Wisconsin, the company retains its domestic roots by maintaining production facilities in Missouri, Alabama, Pennsylvania, and, of course, Wisconsin. I am proud to have in my district, Harley-Davidson powertrain operations in Wauwatosa and Menomonee Falls, and a product development center in Wauwatosa.

I am pleased to echo the sentiments of former President Ronald Reagan, who called Harley-Davidson "an American success story". To all the members of the Harley-Davidson family, please allow me to express my sincerest congratulations on the 100th anniversary of this great American company.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the resolution, H. Res. 296.

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

A motion to reconsider was laid on the table.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2330

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 "Burmese Freedom and Democracy Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department's "Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma" dated March 28, 2003, the SPDC has become "more confrontational" in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC is engaged in ethnic cleansing against minorities within Burma, including the Karen, Karenni, and Shan people,

which constitutes a crime against humanity and has directly led to more than 600,000 internally displaced people living within Burma and more than 130,000 people from Burma living in refugee camps along the Thai-Burma border.

(7) The ethnic cleansing campaign of the SPDC is in sharp contrast to the traditional peaceful coexistence in Burma of Buddhists, Muslims, Christians, and people of traditional beliefs.

(8) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

(9) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

(10) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(11) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(12) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

(13) On April 15, 2003, the American Apparel and Footwear Association expressed its ''strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma'' and called upon the United States Government to ''impose an outright ban on U.S. imports'' of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(14) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

(15) The United States must work closely with other nations, including Thailand, a close ally of the United States, to highlight attention to the SPDC's systematic abuses of human rights in Burma, to ensure that nongovernmental organizations promoting human rights and political freedom in Burma are allowed to operate freely and without harassment, and to craft a multilateral sanctions regime against Burma in order to pressure the SPDC to meet the conditions identified in section 3(a)(3) of this Act.

SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

(a) GENERAL BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), beginning 30 days after the date of the enactment of this Act, the President shall ban the importation of any article that is a product of Burma.

(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners;

(ii) allowing freedom of speech and the press;

(iii) allowing freedom of association;

(iv) permitting the peaceful exercise of religion; and

(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

(C) Pursuant to section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), Burma has not been designated as a country that has failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including, but not limited to (i) the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, (ii) concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises, and (iii) actions to stop the manufacture and export of methamphetamines.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(b) WAIVER AUTHORITIES.—The President may waive the prohibitions described in this section for any or all articles that are a product of Burma if the President determines and notifies the Committees on Appropriations, Finance, and Foreign Relations of the Senate and the Committees on Appropriations, International Relations, and Ways and Means of the House of Representatives that to do so is in the national interest of the United States.

SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

(a) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall take such action as is necessary to direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those funds or assets to the Office of Foreign Assets Control.

(b) ADDITIONAL AUTHORITY.—The President may take such action as may be necessary to impose a sanctions regime to freeze such funds or assets, subject to such terms and conditions as the President determines to be appropriate.

(c) DELEGATION.—The President may delegate the duties and authorities under this section to such Federal officers or other officials as the President deems appropriate.

SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

SEC. 6. EXPANSION OF VISA BAN.

(a) IN GENERAL.—

(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to allow officials of the United States and the European Union to ensure a high degree of coordination of lists of individuals banned from obtaining a visa by the European Union for the reason described in paragraph (1) and those banned from receiving a visa from the United States.

(b) PUBLICATION.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

(b) REPORTS.—

(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this

Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date on which the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and the heads of appropriate agencies, shall submit to the Committees on Appropriations, Finance, and Foreign Relations of the Senate, and the Committees on Appropriations, International Relations, and Ways and Means of the House of Representatives, a report on—

(A) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma;

(B) the extent to which actions related to trade with Burma taken pursuant to this Act have been effective in—

(i) improving conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(ii) furthering the policy objections of the United States toward Burma; and,

(C) the impact of actions relating to trade take pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States.

SEC. 9. DURATION OF SANCTIONS.

(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) CONTINUATION OF IMPORT SANCTIONS.—

(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(3) LIMITATION.—The import restrictions contained in section 3(a)(1) may be renewed for a maximum of three years from the date of the enactment of this Act.

(c) RENEWAL RESOLUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''renewal resolution'' means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: ''That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.''

(2) PROCEDURES.—

(A) IN GENERAL.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) EXPEDITED CONSIDERATION.—The provisions of section 152(b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2330.

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

There was no objection.

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

Mr. Speaker, I rise to join with my colleagues on the committee, particularly with the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), to support this important and timely initiative. I would also like to thank the majority leadership, as well as our colleagues with the Committee on Ways and Means, Committee on Financial Services, and Committee on the Judiciary, for their constructive suggestions and cooperation in expediting passage of this bill.

On June 10, the Subcommittee on Asia and the Pacific considered and favorably reported to the full committee H.R. 2330, the Burmese Freedom and Democracy Act of 2003. The full committee adopted the bill on June 12. The amended text before us incorporates suggested changes from the administration as well as the Committee on Ways and Means.

At the outset, let me note that none of us takes lightly a decision to impose sanctions on another country. In the case of Burma, however, over the last several months the U.S. has watched with growing frustration and dismay as prospects for a transition to democracy have withered in the face of the ruling military regime's determination to maintain an iron grip on power.

As my colleagues are aware, Aung San Suu Kyi's release from house arrest a little over a year ago generated some optimism in Burma and abroad about prospects for political change. The ruling State Peace and Development Council, the SPDC, allowed her certain freedom of movement. The opposition National League for Democracy received permission to reopen a number of branch offices throughout the country, and increasing numbers of political prisoners were released.

In recent days and months, the basis for cautious optimism about the prospect of progressive change has evaporated. The regime refused to hold substantive political discussions with the NLD and ethnic minority groups, while operatives and thugs associated with the regime began a campaign of harassment that escalated into the premeditated ambush on Aung San Suu Kyi's motorcade on May 30 of this year.

We are all, of course, pleased at the news that the United Nations Special Envoy for Burma was recently allowed to see Aung San Suu Kyi and that she is apparently in ''feisty spirits'' and credible health.

However, the brutal attack by the regime's henchmen on Daw Suu's traveling party, the broader crackdown against pro-democracy forces, and the vastly diminished prospects for a democratic transition leave the United States with no option but to reassess its already limited relationship with the Government of Burma.

While economic sanctions are seldom successful, the long train of abuses perpetrated by Burma's military regime leaves the U.S. and other members of the international community, most particularly Burma's neighbors in ASEAN, with no ethical alternative but to embrace a broader array of diplomatic and economic policy options, including sanctions, in this case Burmese imports to the United States, and utilization of the U.N. Security Council, to help bring about a restoration of democracy.

Here it should be stressed that the restrictions in this bill are immediately released if commonsense, democratic conditions are met, and that the sanctions must be approved annually by Congress. In addition, the President has been given authority to waive any or all provisions of this bill based on a national interest standard.

Mr. Speaker, Burma merits sustained U.S. attention not only because the actions of the regime offend core American values, but because developments inside the country impact peace and stability in Southeast Asia. Our primary objectives must continue to be focused on human rights, democracy, refugee assistance, and an end to Burmese production and trafficking of elicit narcotics. However, we also have an interest in reaching out to the Burmese people with humanitarian assistance, including medical interventions to help stem the devastating effect of HIV–AIDS. Such humanitarian assistance will not be affected by this legislation.

The great tragedy of the current circumstance is that in the early 1960s Burma was potentially the most prosperous country in Southeast Asia. Today, after 40 years of military misrule, its economy is in a shambles, health and educational services are in precipitous decline, while its citizens continue to suffer human rights abuses and repression.

Sadly, it has become all too apparent that Burma's military leadership is prepared to sacrifice the best interests

of its people to pursue the power games of a power elite. In this circumstance, the world community has been left with no option but to rally to the cause of freedom and human rights by mobilizing concerted diplomatic and economic pressure against the ruling regime. I urge passage of this resolution.

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

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

Mr. Speaker, I rise in strong support of H.R. 2330, the Burmese Freedom and Democracy Act. I first wish to express my deepest appreciation to the gentleman from Illinois (Mr. HYDE) for moving forward with this important piece of legislation so quickly, and to the 51 cosponsors of our legislation. I particularly want to thank the gentleman from New York (Mr. KING), the gentleman from Iowa (Mr. LEACH), and the gentleman from New Jersey (Mr. SMITH) for their leadership on this issue. I also thank the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for working so closely and cooperatively with us on this legislation.

Mr. Speaker, 2 years ago this month I introduced legislation in the House to ban all imports from Burma as a result of the Burmese regime's failure to move towards freedom and democracy. But my colleagues and I withheld from pressing that legislation after Aung San Suu Kyi was freed from house arrest and there appeared to be a process for dialogue and national reconciliation in Burma.

But, Mr. Speaker, just 6 weeks ago the entire landscape in Burma changed dramatically. The Burmese government hired thugs to brutally attack Nobel Prize winner Aung San Suu Kyi and her aides as they were on their way to meet with their supporters. Aung San Suu Kyi was arrested and thrown in jail. Her key aides were brutally killed. Her supporters around the nation have been jailed, and the offices of her political party have been closed.

In short, the thug regime of Burma has sunk to new lows, securing its place in the world's rogues gallery of human rights abusers. The ruling dictatorship simply cannot accept the fact that this brave and courageous woman, Aung San Suu Kyi, a champion of democracy, remains wildly popular in Burma despite years of house arrest, persecution and repression.

Now that the Rangoon regime has recommitted itself to destroying all democratic opposition in Burma, it is clear that dialogue is dead, national reconciliation is dead, and it is equally clear that we must adopt a new approach towards Burma and that new approach must include tough sanctions.

Our legislation will impose a comprehensive import ban on products made in Burma until a series of human rights and democracy conditions have been met. We will freeze the assets of the Burmese regime in the United States, codify the existing policy of the United States to oppose lending to Burma by international financial institutions, we shall strengthen the visa ban on Burma, and we will support democracy activists in Burma.

These are tough measures, but no tougher than Burma's ruling thugs deserve. They had a chance to deal seriously with this great woman, a champion of democracy, Aung San Suu Kyi, and instead they viciously attacked this Nobel Laureate. This is an unacceptable situation.

□ 1730

The legislation before us has strong bipartisan support, it reflects important suggestions made by the administration, and I urge all of my colleagues to support democracy in Burma and to support this important legislative measure.

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

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), one of the leading spokespeople in the world on the subject of human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman, the gentleman from Iowa (Mr. LEACH), for his kind remarks. I want to especially thank him for his leadership on this issue and all human rights, especially in Asia. He has been outspoken and a very, very effective lawmaker. I want to thank him for his leadership.

I also want to thank the gentleman from California (Mr. LANTOS) for his sponsorship of this very important piece of legislation which we have before the body today.

I do rise in strong support of H.R. 2330, the Burmese Freedom and Democracy Act. As I think my colleagues are well aware, on May 30 a group of government-affiliated thugs carried out a premeditated ambush of the motorcade of Burma democracy leader and Nobel laureate Aung San Suu Kyi, who has been jailed since then. An undetermined number of her supporters were murdered in that vicious attack.

Burma's military dictatorship, which euphemistically calls itself the State Peace and Development Council, has maintained its grip on power for the past 15 years with the use of brutal force. Although Aung San Suu Kyi's National League for Democracy won the majority of National Assembly seats in a free and fair election in 1990, the junta nullified the results and imprisoned hundreds of NLD leaders. The military regime has committed numerous other human rights abuses, such as large-scale forced labor and the use of rape as a weapon in its fight against insurgencies by ethnic minorities.

With this latest outrage, Mr. Speaker, the Burmese regime has exhausted the patience of the United States and hopefully the rest of the international community. I applaud the gentleman from California again for these efforts, for his ongoing efforts, but especially for his efforts in drafting and introducing H.R. 2330, the Burmese Freedom and Democracy Act, which the Committee on International Relations reported favorably on June 17. The bill includes a number of measures, such as a ban on trade that supports the military regime, and will send an unequivocal message to the generals in Rangoon: The people of Burma must be allowed to pursue the path of peaceful democratic development that they bravely chose 13 years ago.

Although trade sanctions are sometimes the source of controversy on this floor, they are more than justified in this situation both because of the Burmese regime's egregious behavior and because export trade is a key source of foreign exchange for the junta and its apparatus of repression. The bill includes waiver authority for the President and outlines generous conditions under which sanctions could be lifted. In addition, the text before us requires annual reapproval of the trade ban and imposes a 3-year sunset on the sanctions.

Mr. Speaker, I urge all Members to support this very important human rights legislation.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), ranking member of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the distinguished chairman of our committee, the gentleman from Illinois (Mr. HYDE), and our senior ranking member on this side of the aisle, the gentleman from California (Mr. LANTOS), for their support of this important legislation. Certainly I would be remiss if I did not express my appreciation to the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), not only for his leadership but certainly for his initiative and the fact that we did call a subcommittee hearing on this very important issue that is now before this body.

I believe, Mr. Speaker, this is kind of like the last effort that we could do as a body to express very serious and very grave concerns about what has happened to the government of Burma. I think my colleagues, and especially my good friend from New Jersey (Mr. SMITH) has given some specifics of the issues that are now before us concerning Burma and the problems and the fact that for years now this country has been ruled by a military junta, I think to the point now that we have tried our patience in the best way possible.

One of the concerns that I raise, Mr. Speaker, is the fact that other countries in the Asia-Pacific region continue to recognize Burma; and they continue to conduct trade relations

with Burma. It is my sincere hope that, by passage of this legislation and providing sanctions against this military junta, hopefully that it will produce some positive results and that hopefully our government, and certainly I commend our Secretary of State, Secretary Powell, for expressing the same concerns that the Congress has given for the past several years.

Mr. Speaker, again, I want to commend my good friend, the chairman of our subcommittee, for not only having a hearing, we have heard from the parties concerned, and I believe this legislation is well overdue. I urge my colleagues to pass this legislation.

Mr. LANTOS. Mr. Speaker, I urge all colleagues to vote for this legislation. We are striking a blow for freedom and democracy.

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

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

Let me thank again my good friend, the gentleman from California (Mr. LANTOS), for his leadership on this issue but also so many other issues that affect human rights around the world.

To the gentleman from American Samoa (Mr. FALEOMAVAEGA), let me say I do not think there is anyone that understands the region of Southeast Asia more comprehensively or well than he does. I am always in debt to his judgment.

I would just like to stress that, while it is awkward for a legislative body to ever comment on the affairs of other countries, this particular legislation is designed to show friendship and support for the people of Burma and also to underscore that repression and despotism have no place in the world today. I also would underscore that it is an expression of solidarity with other peoples of Southeast Asia. For example, for the first time in its 36 years' existence, the Association of Southeast Asian Nations has taken a stand of rebuke to the government of Burma in its first statement of internal intervention in its history. This is a very serious matter for the region as well as for the international community, but most of all this is an expression of concern for the Burmese people for whom the United States has had a long and sustaining interest.

Mr. Speaker, I urge again passage of this legislation.

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

Mr. LEACH. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding and also especially for his recognition of the fact that other countries in the surrounding area have expressed serious concerns about the problems affecting the government of Burma.

I do recall that years ago I raised the same concerns at issue with some of the highest levels of officials in one country to mind and the question that we do not give official recognition or we do not have official diplomatic relationship with Burma and the advice that was given to me is, we should. Hopefully that the interactions and the continuous relationship, that by some way or some means that will bring more democracy and a greater sense of understanding not only with that country but certainly for all democratic-loving people around the world. I think this body has waited not for months, not for 1 year, but for years and years, and there seems to be no improvement of the situation, the promises that were made by these military rulers that there would be more democratic reforms given. This has not been the case.

I just wanted to add that observation to my good friend, the chairman of the subcommittee. While given that recognition, I think it is high time that the Congress does take action and we do so with every bit the right of this body. It is a very serious matter to put sanctions on any country for that matter. I sincerely hope that it will result in some positive improvements in the promises that this military junta had made for years and years and still have not taken place.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Subcommittee on Asia and the Pacific as well as someone with whom I am honored to have recently cowritten an editorial.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution this afternoon and commend him, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH).

There is truly a bipartisan consensus on our committee that the time has long since passed for us to address the critical need to change the regime in Burma and to be able to recognize the courage of Aung San Suu Kyi, the potential we have there to have a transformational effect in that troubled country.

It was my great privilege to spend an afternoon with my children in her compound when she was under house arrest. Watching the harassment we went through just to go there with the charge, thinking about what that represented, this brave woman, insightful, being surrounded by thugs at a time when her country was ravaged in terms of AIDS, in terms of economic deprivation, in terms of the atrocities that have been documented on this floor already this afternoon in terms of what the junta has inflicted upon their people.

It seems to me that it is an opportunity for us at a time when people want the United States to throw its weight around the world that we focus on this troubled country that has a recognized leader, that has the potential for us to bring together the force that we saw in South Africa, to be able to focus time, energy, attention in a peaceful fashion but to force the junta to know that we mean business as it regards Burma. I am one that will continue to call it Burma unless and until that name is changed by the democratic majority of that country, and I think the name is a small symbol of why we need to stand up to push back.

This resolution, I think, is a starting place. But beyond that, I hope, Mr. Speaker, that there will be an opportunity for Members in this Chamber to pick up this cause, to beat this drum, to carry it to those who are in business, NGO, other governments, because I think there is now an opportunity for this consensus to work.

I am pleased with the work that our committee has done, I hope the House will unite behind it, and I hope that each Member of this Chamber will find something that he or she can do to advance this important cause.

Mr. MANZULLO. Mr. Speaker, I rise today to express my concern over H.R. 2330. While I support the intentions of H.R. 2330 to strengthen democratic forces in Burma and hold the Burmese military junta accountable for its human rights violations, I am concerned that this legislation's general ban on trade will adversely affect U.S. small business and economic development in Burma.

I am appreciative of the changes made to the original version of this bill such as requiring an annual affirmative vote of Congress to renew the import ban against Burma and changing the standard for the President to waive the ban from the ''national security interest'' to ''national interest'' of the United States. However, these changes will not ultimately solve the problems of my constituent who owns a small business, Chaang Trading Company, in Rockford, Illinois. Chaang Trading Company imports fine, handcrafted cultural goods from Southeast Asia and distributes them nationwide.

The import ban in H.R. 2330 would almost certainly destroy this four person company as 80 percent of Chaang's business depends on trade with Burma. Chaang purchases its Burmese products directly from artisan shops, and not from the military government of Burma. These Burmese shops are owned by ordinary citizens and employ ordinary citizens. Therefore, the import ban in this legislation would undermine the provisions in section 8 of H.R. 2330 to support democracy activists in Burma through economic development by actually hurting the very people we are trying to help—small business artisans who have nothing to do with the repressive military government of Burma. I therefore urge my colleagues to be cognizant of the unintended consequences of using trade sanctions as a weapon to change policy in foreign countries.

It would be my hope and wish that as the Administration implements this bill that it would take into the account the concerns of small companies like Chaang Trading Company in Rockford so that they can continue to trade with skilled artisans from Burma who have nothing to do with the repressive military government.

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 2330, the Burmese

Freedom and Democracy Act of 2003. Today, as her people call for freedom and democracy, the Burmese military junta maintains a policy of repression and government-sponsored violence.

In 1990, the National League for Democracy, a party committed to peace and democratic principles in Burma, won the majority of National Assembly seats, offering real hope for change in Burma. Despite the overwhelming public call for democracy, the military regime nullified the election results and imprisoned and murdered several NLD leaders. While this act of government-sponsored aggression took place over a decade ago, the Burmese regime continues to brutally repress the people's opposition movement today.

In May, the Burmese regime ordered the ambush of a motorcade carrying several leaders of Burma's democracy movement, including Nobel laureate Aung San Suu Kyi, the elected leader of her country, who has remained in detention by the regime since that murderous attack.

The Burmese regime has been granted countless opportunities to peacefully transfer power to the people while avoiding further bloodshed. In response to the international community's ongoing efforts to bring peace to the region, Burmese leaders have only responded with further acts of repression, aggression, and state-sponsored terror against its own people. Today, over 600,000 citizens within Burma have been displaced from their homes on account of brutal ethnic cleansing techniques employed by the Burmese regime. In response, we must make every effort to bring awareness to the mistreatment of Aung San Suu Kyi and other pro-democracy opposition leaders.

The Burmese Freedom and Democracy Act would take comprehensive steps to enhance efforts for democracy in Burma, while strengthening international sanctions against the Burmese junta. I urge my colleagues to support this initiative as part of the international community's response to the junta's ongoing state-sponsored terror against the people of Burma.

Mr. SOUDER. Mr. Speaker, I rise in strong support of H.R. 2330 and of the people of Burma. The people of Burma toil everyday under the cruel and heavy yoke of military dictatorship. The military rulers of Burma stifle dissent, persecute minorities, and thwart every attempt at democracy.

Recently, the democratically elected and legal leader of Burma, Aung San Suu Kyi, was viciously attacked by agents of the military dictatorship while on her way to meet supporters of democracy. Following the attack, she was re-imprisoned by the military tyrants of Burma. Visitation has been limited and there is no sign that she will be released from prison any time soon.

The military junta in Burma continues to persecute minority groups. Burma has more than 600,000 internally displaced people. Furthermore, over 100,000 people are living in refugee camps along the Thai-Burma border.

The Karen, Karenni, and Shan people have borne the brunt of this persecution. Where Burma was once a country of peaceful coexistence, it has, under this brutal regime, become a place of strife and discord.

Now more than ever, the democratic forces at work in Burma need the support of the United States of America. H.R. 2330 is a step in the right direction. This bill, which I am proud to co-sponsor, will impose sanctions on the evil regime currently in control of Burma.

The bill will prohibit any article from being imported into the United States that is produced, mined, manufactured, grown, or assembled in Burma. In 2002, Burma exported over $356 million worth of products to the United States. This included apparel, teak wood, precious stones, and seafood. H.R. 2330 will put an end to these exports and send a message to the illegal government of Burma.

H.R. 2330 also directs the Secretary of the Treasury to freeze the assets of the military junta. While the country is mired in poverty, the ruling elite are looting the country for their own benefit. This legislation will keep the junta from accessing their ill-gotten gains. Furthermore, the bill will prohibit the leaders of this Burmese nightmare from entering the United States.

Support for this bill will make it clear to those Burmese despots that their military dictatorship, which maintains power through force and terror, is unacceptable. This bill will make it clear that the United States of America supports freedom and democracy in Burma. We support the National League for Democracy. And we support Burma's democratically elected leader, Aung San Suu Kyi.

Burma was once a prosperous country but the military has ground the country into poverty. Burma is rich in resources but the military despots have squandered these riches for their own gain. Burma's peoples once lived side by side with one another but the military has seen fit to mistreat some groups and drive them from their homes. This must end.

The United States must help to foster democracy in Burma. I urge all of my colleagues to support H.R. 2330 and to work for democracy in Burma.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 2330, the ''Burmese Freedom and Democracy Act of 2003.'' I would like to commend both Chairman HYDE and Mr. LANTOS for their efforts on this important legislation.

The House Financial Services Committee received a referral on H.R. 2330 as a result of sections four and five of the bill, which address Burma's relationship with the international financial institutions.

Specificaly, section four of this legislation directs the Secretary of the Treasury to freeze any assets of the Burmese regime located within the United States. Section five directs the Secretary of the Treasury to instruct the U.S. director at each international financial institution in which the U.S. participates to oppose and vote against the extension of any loan or financial assistance to Burma until certain conditions are met.

The House Financial Services Committee waived consideration of this bill in the hopes of expediting the legislative process and providing needed relief to the Burmese people. This bill accomplishes that end by supporting democratic forces in Burma and recognizing the National League of Democracy as the legitimate representative of the Burmese people.

As a fervent supporter of free trade, free minds, and free people, I call on the Burmese regime to allow the benefits of democracy to grow. I urge my colleagues to support H.R. 2330.

Mr. PITTS. Mr. Speaker, I strongly support H.R. 2330, the Burmese Freedom and Democracy Act of 2003 and urge all my colleagues to support this bill.

The military regime is guilty of ethnic cleansing, systematic rape, forced porterage, destruction of homes, villages and food sources, the use of human land mine sweepers, and the detention of over 1200 political prisoners.

Two excellent reports describe the horrifying systematic campaign of rape against the Shan, Karenni, Karen, Mon, Tavoyan and other ethnic groups.

In the study License to Rape, investigators found that in ''25 percent of the incidents documented, the girls or women were killed following the rape, by being shot, suffocated, beaten, stabbed or burned to death.''

In the study, No Safe Place: Burma's Army and the Rape of Ethnic Women, there is clear documentation of the military raping women fleeing the fighting, raping those incarcerated in military camps, raping those forced into labor for military, and raping women out foraging for food.

In one case, a young women heard her sister's cries ''they are raping me'—but could do nothing to stop it. A day after she was taken, the soldiers brought her body back for the family to bury. Her wounds indicated clearly that she had been raped, perhaps to death, Despite the fact that the soldiers continued to return to their village after the murder,'' the young women and her family were too afraid to complain.

The suffering of the people of Burma has gone on too long.

Sadley, the international community has shown little willingness to vigorously address the issues facing the people of Burma, but H.R. 2330 is an important step to directly impact the situation in the country.

I urge the dictatorship release Aung San Suu Kyi from detention.

I also urge the dictatorship of Burma to immediately engage in a tri-partite dialogue with the National League for Democracy and the ethnic minorities.

Only when the rights of the NLD and the ethnic minorities are recognized and protected will there be peace in Burma.

Mr. Speaker, a regime that engaged in this horrifying campaign of systematic rape to decimate the ethnic minorities, in addition to all the other human right violations it commits, must be stopped.

I urge my colleagues to support the Burmese Freedom and Democracy Act.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 2330, the Burmese Freedom and Democracy Act of 2003. Furthermore, this Member, as a co-sponsor of the legislation, would like to thank the Ranking Member of the House International Relations Committee, the distinguished gentleman from California (Mr. LANTOS) and the distinguished gentleman from New York (Mr. KING) for writing and introducing this timely legislation which enjoys bipartisan support. Also, the Chairman of the House International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE) is to be commended for his efforts to bring this bill to the Floor.

This bill would impose sanctions upon companies associated with Burma's current ruling party, the State Peace and Development Council (SPDC). If the President would certify that the SPDC has made ''substantial and measurable progress'' toward ending human

rights violations and implementing democratic reform, the sanctions could be lifted.

Generally, this Member is opposed to bilateral sanctions because they frequently prove to be ineffective and, indeed, counterproductive to the policy consequence sought. However, the ruling junta's arrest and subsequent detention of Burmese democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi was such an egregious affront to democracy and rule of law that the government deserves swift and harsh punishment from the international community.

Mr. Speaker, this Member strongly urges his colleagues to vote for H.R. 2330.

Mr. KING of New York. Mr. Speaker, as the lead republican sponsor, I rise today in full support of the Burmese Freedom and Democracy Act.

Two months ago, Burmese opposition leader and Nobel Peace Prize laureate, Aung San Suu Kyi was placed under house arrest by Burma's ruling junta after a bloody clash between her supporters and thugs of the military regime.

For the last fifteen years, Suu Kyi has waged a struggle against one of the world's most oppressive governments. Burma's military regime has committed widespread human rights abuses, including forced labor and the use of rape as a weapon against insurgences by ethnic minorities. In addition, this regime supports international narcotic trafficking and provides a safe haven for drug traffickers targeted by the United States for prosecution.

That is why I am proud to be a part of this legislation which will authorize a number of sanctions against the Burmese government and its entities, unless a series of democratic conditions are met. I want to thank the Gentleman from California, Mr. LANTOS for his tireless work on this issue. I urge my colleagues to support this needed measure.

Mr. ENGLISH. Mr. Speaker, I would like to take this opportunity to strenuously condemn the Burmese State Peace and Development Council (SPDC) and its latest acts of violence against the democratic movement in Burma.

As many of us know, in 1990, the Burmese people elected Aung San Suu Kyi and her party, the National League for Democracy (NLD), to lead their country. The NLD won an astounding 82 percent of the popular vote, dealing a shattering defeat to the absolutist State Law and Order Restoration Council (SLORC). In perhaps one of the great crimes against democracy in history, the SLORC refused to seat the newly elected parliament and imprisoned the leaders of the NLD. Ms. Suu Kyi was placed under house arrest, where she has remained for much of the last 13 years.

The State Peace and Development Council, as the government is now known, continues to wage war on its own people and to lead Burma toward rogue nation status. The SPDC is notorious for using rape and imprisonment as an instrument of political influence on its citizens and is known to force children to fight indigenous ethnic groups in the country. This brutal form of governance is combined with military dominance of heavy industry and a sickly economy dependent upon black market and illicit exports.

Now, the SPDC seems committed to stiffening its repression of the Burmese people. After toying with several international initiatives aimed at restoring democracy to the country, the SPDC has essentially halted talks with a spasm of violence directed against the NLD organization. On May 30, a motorcade carrying Ms. Suu Kyi through the country was attacked by an organized group of armed criminals. In the process, a number of NLD members were reportedly tortured and murdered, while Ms. Suu Kyi was taken into ''protective custody'' by the government. It seems that the only ''protection'' was being given to an illegitimate regime against the popular, peaceful NLD leader.

This pattern of vicious oppression in Burma must come to an end and Ms. Suu Kyi must be released unharmed. I urge the President and Secretary of State Powell to take the necessary measures to ensure her safe release and to fully support the National League for Democracy. I further ask my friends in Congress to work with the Administration to ensure that we supply maximum support to the NLD and that we forcefully denounce the actions of the dictatorial junta now reigning over Burma.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 2330, as amended.

The question was taken.

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

Mr. LANTOS. 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.

RECESS

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

Accordingly (at 5 o'clock and 44 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of today 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. 2673.

□ 1832

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. 2673) making further appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the bill was open for amendment through page 72, line 23.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following orders: amendment by the gentleman from Montana (Mr. REHBERG), amendment by the gentleman from Oregon (Mr. BLUMENAUER), amendment by the gentleman from Colorado (Mr. HEFLEY), amendment by the gentleman from New York (Mr. ACKERMAN).

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

AMENDMENT OFFERED BY MR. REHBERG

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 208, not voting 33, as follows:

[Roll No. 354]

AYES—193

Abercrombie	Capuano	Emanuel
Ackerman	Cardin	Engel
Alexander	Carson (IN)	Eshoo
Allen	Clay	Evans
Andrews	Clyburn	Fattah
Baca	Conyers	Filner
Bachus	Costello	Ford
Baird	Crowley	Frank (MA)
Baldwin	Cubin	Gephardt
Bartlett (MD)	Cummings	Gibbons
Bass	Davis (AL)	Gordon
Bishop (NY)	Davis (CA)	Goss
Blackburn	Davis (FL)	Green (TX)
Blumenauer	Davis (TN)	Grijalva
Boehlert	Davis, Jo Ann	Harman
Bonner	DeFazio	Hastings (FL)
Bono	DeGette	Hefley
Boswell	Delahunt	Hill
Brady (PA)	DeLauro	Hoeffel
Brown (OH)	Deutsch	Holden
Brown, Corrine	Dicks	Holt
Buyer	Dingell	Honda
Cannon	Doggett	Hooley (OR)
Capito	Doyle	Hoyer

Hunter
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller, George
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Osborne
Pallone
Pascrell
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Quinn
Rahall
Rangel
Regula
Rehberg
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Akin
Ballance
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blunt
Boehner
Bonilla
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capps
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCotter
McInnis
McIntyre
McKeon
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Bishop (UT)
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Moran (VA)
Myrick
Owens
Payne
Rush
Sanders
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1854

Messrs. PORTER, TANNER, BALLANCE and DEMINT changed their vote from ''aye'' to ''no.''

Mr. DICKS, Mrs. CUBIN and Mr. MARKEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 354, I was delayed in traffic. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. BLUMENAUER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 33, as follows:

[Roll No. 355]

AYES—222

Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Gallegly
Gerlach
Gibbons
Gonzalez
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Hastings (FL)
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—179

Abercrombie
Alexander
Bachus
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Edwards
Emerson
English
Feeney
Flake
Forbes
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hostettler

Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson, Sam
Kennedy (MN)
Kingston
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
McCrery
McInnis
McIntyre
McKeon
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gephardt
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Peterson (MN)
Rush
Sanders
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1904

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 68, noes 333, not voting 33, as follows:

[Roll No. 356]

AYES—68

Akin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Cannon
Capuano
Chabot
Coble
Collins
Cox
Crane
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Doggett
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Hayworth
Hefley
Herger
Hoekstra
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Linder
Manzullo
Matheson
McInnis
Miller (FL)
Miller, Gary
Norwood
Otter
Paul
Petri
Ramstad
Rohrabacher
Royce
Ryan (WI)
Schrock
Sensenbrenner
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Weller

NOES—333

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Brown (OH)
Cramer
Davis (IL)
DeLay
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Istook
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Portman
Rush
Taylor (NC)
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain to vote.

□ 1911

Mr. POMEROY changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ACKERMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ACKERMAN) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 199, noes 202, not voting 33, as follows:

[Roll No. 357]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher

Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—202

Akin
Alexander
Bachus
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Etheridge
Evans
Feeney
Flake
Forbes
Franks (AZ)
Frost
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kind
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
Leach
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Oxley
Payne
Pickering
Rush
Smith (TX)
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1917

Mr. ENGLISH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004''.

The CHAIRMAN pro tempore. Under the order of the House of today, the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore 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. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the order of the House of today, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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.

This 15-minute vote on passage will be followed by a 15-minute vote on the motion to instruct on which proceedings were postponed earlier today. The vote on the motion to suspend the rules and pass H.R. 2330, as amended, will be taken tomorrow.

The vote was taken by electronic device, and there were—yeas 347, nays 64, not voting 23, as follows:

[Roll No. 358]

YEAS—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg

Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
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
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—64

Andrews
Baldwin
Berman
Blumenauer
Buyer
Capuano
Conyers
Cox
Crane
DeFazio
Delahunt
DeLauro
Doggett
Filner
Flake
Fossella
Frank (MA)
Franks (AZ)
Green (WI)
Hefley
Inslee
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lee
Levin
Lewis (GA)
McDermott
McGovern
Meehan
Miller (FL)
Miller, Gary
Nadler
Obey
Olver
Pallone
Pascrell
Paul
Petri
Rohrabacher
Rothman
Royce
Ryan (WI)
Sanders
Schakowsky
Sensenbrenner
Shays
Sherman
Slaughter
Smith (WA)
Stark
Stupak
Tancredo
Taylor (MS)
Tierney
Udall (CO)
Van Hollen
Watson
Waxman
Wexler
Wu

NOT VOTING—23

Baker
Barton (TX)
Becerra
Berkley
Davis (IL)
Everett
Fletcher
Gephardt
Gutierrez
Janklow
Jefferson
Keller
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Myrick
Owens
Payne
Rush
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1936

Messrs. DELAHUNT, BERMAN, WAXMAN, MEEHAN, COX and TIERNEY changed their vote from ''yea'' to ''nay.''

Mr. EVANS and Mr. TURNER of Ohio changed their vote from ''nay'' to ''yea.''

So 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. 1472

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BACA. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1472, the Don't Feed the Bears Act of 2003.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472 and H.R. 20

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472 and H.R. 20.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2214

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2214.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Tennessee (Mr. DAVIS), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 221, not voting 23, as follows:

[Roll No. 359]

YEAS—191

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

NAYS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman

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

NOT VOTING—23

Barton (TX)	Janklow	Mollohan
Becerra	Jefferson	Myrick
Berkley	Keller	Owens
Davis (IL)	LaHood	Payne
Everett	Lipinski	Radanovich
Fletcher	Mica	Rush
Gephardt	Millender-McDonald	Waters
Gutierrez		Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1956

Mr. SCHROCK and Mr. BACHUS changed their vote from ''yea'' to ''nay.''

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

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained due to mechanical malfunctions on Delta Flight 5007. The airplane had to make an emergency landing and return to Orlando International Airport. I could not vote on the following:

Rollcall No. 354. Had I been present, I would have voted ''yes'';

Rollcall No. 355. Had I been present, I would have voted ''no'';

Rollcall No. 356. Had I been present, I would have voted ''yes'';

Rollcall No. 357. Had I been present, I would have voted ''no'';

Rollcall No. 358. Had I been present, I would have voted ''yes'';

Rollcall No. 359. Had I been present, I would have voted ''no''.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Messrs. TAUZIN, THOMAS and BILIRAKIS, Mrs. JOHNSON of Connecticut, and Messrs. DELAY, DINGELL, RANGEL and BERRY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. FORBES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

AWARDING OF CONGRESSIONAL GOLD MEDAL TO PRIME MINISTER TONY BLAIR

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from the further consideration of the Senate bill (S. 709) to award a congressional gold medal to Prime Minister Tony Blair, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 709

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

SECTION 1. FINDING.

Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our 2 countries, that he is a staunch and steadfast ally of the United States of America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Prime Minister Tony Blair, in recognition of his outstanding and enduring contributions to maintaining the security of all freedom-loving nations.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material thereon on S. 709, the Senate bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. VITTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Ms. DELAURO. Mr. Speaker, pursuant to rule XXII, clause 7(c) I announce my intention to offer a motion to instruct conferees on H.R. 1308.

The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

The House conferees shall, as soon as practical after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

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CELEBRATING THE LIFE OF BENNY CARTER

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

Ms. WATSON. Mr. Speaker, it is with great sadness that I announce the passing of the legendary musician, Benny Carter, this past Saturday at Cedars-Sinai Hospital in Los Angeles. He was 95.

Benny Carter's life and career literally spanned the 20th century. His music encompassed the history of jazz and much more. Ranked with the likes of Johnny Hodges and Charlie Parker, Benny Carter is considered one of the greatest alto saxophonists of all times. Ella Fitzgerald described him as ''everything a musician would want to be''; while Miles Davis said, ''Everybody ought to listen to Benny. He is a whole musical education.'' And the great Ben Webster said about Carter, ''He is the only person that I get the shakes trying to play my horn behind or with him.''

Born in New York in 1907, Carter received his first music lessons from his mother, but was largely a self-taught musician. In the late 1920s he joined Fletcher Henderson's seminal orchestra and in 1931 became musical director for McKinney's Cotton Pickers.

Returning to New York in 1938, Carter formed his own top-flight orchestra and spent much of 1939 and 1940 at Harlem's famed Savoy Ballroom. His arrangements were much in demand and featured on recordings by Benny Goodman, Count Basie, Duke Ellington, Glen Miller, Gene Krupa, and Tommy Dorsey.

We will miss this outstanding and this exemplary musician. May he rest in peace.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GINGREY). 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.

PHARMACEUTICAL COMPANIES INFLUENCING RELIGIOUS ORGANIZATIONS

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

Mr. BURTON of Indiana. Mr. Speaker, for 21 years I have been in the Congress, and for 21 years I have supported the gentleman from Illinois (Mr. HYDE) and the gentleman from New Jersey (Mr. SMITH) and the people who were fighting for the lives of the unborn, the pro-life organizations. And for 21 years I received accolades from religious organizations all over this country. In fact, the Traditional Values Coalition last year asked me to be a member of their board of directors.

Well, I do not know if my colleagues can see this on television or not, but this was mailed out into my district this past week. It is a picture of a little baby sucking on a pacifier or something, and underneath it is a mother with a package of pills that are supposed to be the RU–486, the abortion pill that would cause an abortion 24 hours after conception, or after conception sometime. It says on the front of it next to this little baby, ''Will Congressman DAN BURTON miss an opportunity to protect the sanctity of human life?''

I do not understand that, how a religious organization can be manipulated by the pharmaceutical industry to do this sort of thing. They are supposed to be moral people; and yet I am confident, in fact I am dead sure, that the Traditional Values Coalition did not have the money to mail this kind of trash out to congressional districts all across this country and also do television ads and radio ads going after Congressmen because they believe that seniors ought to be able to get reimported drugs from Canada or Germany or some place else that cost one-sixth or one-tenth of what they cost in the United States.

And the reason the pharmaceutical industry is dead on the reimportation is because they are loading all of their profits on the backs of the American people while they are giving these pharmaceuticals for a much lower price in other parts of the country. Why should Americans pay six times as much money for Tamoxifen as they do in Germany? That is a cancer-fighting drug that women use to save their lives. In Canada and in Germany it costs $60 for a 30- or 60-day supply. In the United States it costs $360. Why should Americans pay that much more than other countries?

It is because the pharmaceutical companies are making so much money; and because they are afraid we are going to pass a reimportation bill, they are going after the people in the Congress who believe that people ought to pay the same prices here as they do other places.

How are they going after us? They are going after us with a meat cleaver, and they are trying to do it under a facade, under a tent so that they do not look like they are the bad guys. I am telling you, the Traditional Values Coalition and the other religious organizations that are putting out this kind of garbage, when they know it is not true, are being funded by the pharmaceutical industries. Now, they might say, oh, no, we are not.

Well, I tell you, tonight on the floor of the U.S. House, I am challenging every one of the religious organizations in this country who have endorsed me year after year after year for reelection, I am challenging them tonight to let us see their financial records because I want to see what the pharmaceutical companies are giving them in order for them to put this kind of stuff out. The gentleman from New Jersey (Mr. SMITH), who is the leading advocate for pro-life in this Congress, is a co-sponsor with me and others for the reimportation of pharmaceuticals to make sure Americans pay a fair price for pharmaceuticals. But the pharmaceutical companies are scared to death of that, and so what they are doing is loading up all of these organizations to come after us and to make us look like we are people that we are not.

So I say once again, Traditional Values Coalition who wanted me to be on your board last year because I am such a great guy, I want to see your financial records. Please show me your financial records and let me know that the pharmaceutical companies are not paying for this trash because I believe they are. And I say the same thing to all the other organizations. Jerry Falwell put an editorial in the paper

not long ago about this very same issue, and I think it is a bogus issue, Mr. Falwell; and I would like to see your financial records and Mr. Robertson's and all other religious organizations' financial records who are criticizing us for wanting to reimport pharmaceuticals so Americans pay a fair price.

So please, all of you religious organizations who are concerned about this, as you say you are, let us see your financial records and let us know that you are not taking large amounts of money from the pharmaceutical companies to put out this kind of tripe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Member to address his remarks to the Chair.

AMERICANS SHOULD KNOW THE TRUTH ABOUT IRAQ

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

Mr. HINCHEY. Mr. Speaker, the decision to go to war is the most profound decision that any nation can make. It should be done, of course, judiciously and only with the utmost of care and only as a last resort. This is especially true of democratic republics such as ours, when the actions of the government must be with the consent of the governed.

In order for the governed to give their consent, that consent, of course, must be informed. And it is the responsibility of the government to inform its citizens in an honest and straightforward way with regard to the background and information that it has that causes it to make such profound decisions.

On January 23 of this year, the President of the United States in this room addressed the Joint Session of the Congress as well as the people of the United States. And in that address he made a number of assertions with regard to the state of Iraq and why it was important for us to engage that country in hostility. Among those statements he made was one with regard to the importation of processed uranium from Niger. The President said in his statement that the British Government had informed them that the Government of Niger was importing processed uranium, and that was in the context of Iraq's trying to develop a nuclear weapon.

Now, we know that the President had that information on a first-hand basis. He did not have to quote any information from the British Government. He had it on a first-hand basis because the Vice President of the United States back in March of last year went to the Central Intelligence Agency and asked them to conduct an investigation as to whether or not Iraq was importing processed uranium from Africa.

The Central Intelligence Agency then asked former Ambassador Wilson, who had a long and distinguished career in the Foreign Service including positions in West Africa, asked Mr. Wilson if he would go to Niger to discover whether or not it was possible for Niger to export processed uranium to Iraq for the purpose of building a nuclear weapon.

Ambassador Wilson went there. He spent a considerable amount of time, something in the neighborhood of close to 2 weeks. He interviewed dozens of people. He came back and reported to the Central Intelligence Agency that he found no reason to believe whatsoever that any processed uranium has been exported from Niger. Why? Because the uranium companies there are owned by essentially European countries and the controls are very, very strict and rigid. He examined a number of people who were involved in the companies and their controls, as well as people in the Niger Government. He came away believing there was no way that processed uranium could be exported from Niger to Iraq.

He reported to the Central Intelligence Agency. The Central Intelligence Agency obviously then reported to the Vice President of the United States, who we can only imagine and expect reported to the President of the United States.

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Nevertheless, the President then came here before the House and said that Niger was exporting processed uranium to Iraq when the government, our government, the administration knew, based upon firsthand information as a result of a CIA-sponsored investigation, that that was not the case. In addition, though, now we know that is not the case because we have the report of Mr. Wilson and we have other information that can only compel us to conclude that the President was wrong in his statement; and, in fact, he has admitted he was wrong in that statement, blaming Mr. Tenet.

Also in that address before a joint session of the Congress, the President mentioned the presence of vast quantities of chemical and biological weapons that were also in Iraq, according to his statement to that joint session. He also said that there were delivery mechanisms that were in Iraq and that those delivery mechanisms could be armed very, very quickly with those biological and chemical weapons and they could be used to bring those weapons into conflict against countries in the surrounding region, including Israel, against others, and that this constituted a direct threat to the United States and to our allies.

It has been now nearly 3 months that we have been searching for chemical and biological weapons as well as the means to deliver them in Iraq, and we have found absolutely nothing.

Based upon these two sets of facts, one has to question, what else did the President say that was false and why did we go to war in Iraq? This Congress needs to initiate a full and complete congressional investigation as to the causes surrounding our entry into that war and the prosecution of that war, and it must do so forthwith.

NEW LAWS FOR EDUCATION SAVINGS

The SPEAKER pro tempore (Mr. GINGREY). 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 want to talk tonight a little bit about the importance of a college education and some of the laws that this Congress has passed to encourage better savings for education.

Some of the concerns that we need to consider is the fact that individual students and their parents in the future probably are going to be have to be more responsible for coming up with a larger share of the funds for their kids' college education.

Benjamin Franklin once said, ''An investment in knowledge always pays the best interest.'' As we move to a high-tech economy, that is certainly truer than ever. High school dropouts earn an average of $360 a week, while high school graduates earn $506. Two-year college graduates earn $598 a week, and 4-year college graduates earn on an average $796. Over a life of work, a college graduate can expect to earn $620,000 more than a community college graduate, $810,000 more than a high school graduate and a whopping $1,115,000 more than a high school dropout.

In addition to dollars, education gives a person more options to do what they want to do in life. This is one of the reasons I tell young people who visit me to study hard. It is also why I started the LeGrand Smith Scholarship Fund for high school seniors from the 7th Congressional District of Michigan. Finally, it is why I have pushed for tax savings for parents and grandparents to save for their children's and grandchildren's education. Simply put, there is nothing that can brighten a young person's future more than education.

The cost of education, while still worthwhile given the earnings difference, it is very expensive. Under present trends, a child born today can expect to pay about $125,000 for 4 years at a State university, about twice that much for a private university. There is a lot of Federal and State government scholarships, tax benefits, work study programs, subsidized loans and financial aid for people in college.

Congress has also created two tax-favored savings programs in recent years that help families save for education, and these two I think are important.

The Coverdell Education Savings Account allows eligible taxpayers to contribute up to $2,000 a year. These contributions are taxable, but the accrued earnings when a person takes them out are not taxable. The accounts are flexible and can be used to pay for educational expenses in grade school, high school or college. They can be even

used to defray the costs of home school education. In addition to tuition, the money can be used for books, supplies, equipment, tutoring, services for children with special needs, Internet access, et cetera. These accounts are open to taxpayers earning less than $220,000 a year for couples.

Another option, as I conclude, Mr. Speaker, is the 529 plan. These are tax-deferred educational savings programs that put contributions under management like pension programs. They are often State-sponsored and provide good flexibility. Contributions can be made in a lump sum or in installments, and many States also contribute when a person starts spending that money for a college education. In Michigan, we contribute $1 for every $3 deposited.

I would encourage every friend and family member to think about educational savings for their children, their grandchildren, their nephews, their nieces. The expense of college education is daunting, but investing some now will allow for compound interest and growth over time. For example, even with the current low prospects for a return on earnings, saving just $80 in a month can grow to $31,000 over the 18 years it takes a child to be ready for college. It is important to get started right away.

Mr. Speaker, education is important. Everybody should be looking at the advantages of saving now.

PERHAPS PRIME MINISTER TONY BLAIR WILL ANSWER CONGRESS' QUESTIONS ABOUT INTELLIGENCE ON IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, Thursday will be a very historic day. Prime Minister Tony Blair of England will be scheduled to appear in this room before a joint session to make a speech and perhaps receive the Congressional Gold Medal. I understand it is not ready yet so he probably will not get it just now.

It was also in this very same room that President Bush said in his State of the Union speech that ''the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' It turns out that information Mr. Bush had was already understood to be bogus. Our CIA had already told the British that. Yet the President included that fact in his State of the Union message. Apparently, the British indicated they had other information in addition to the crude forgeries indicating that Iraq was trying to buy uranium from Niger.

This has put President Bush in an awkward position. As people in the administration seek to blame one another and now the British and now the French and now the Italians, why and how did this happen?

Mr. Speaker, we have an historic opportunity. In Parliament, the Prime Minister faces MPs and responds directly to their questions. If we had the British system, we could go to Mr. Bush directly to solve this conundrum instead of relying on Ari Fleischer. Perhaps Mr. Blair will be kind enough to allow us the privilege that British MPs enjoy and we can ask him what happened. I really want to know. Don't my colleagues?

When we debated the award for Mr. Blair for the Congressional Gold Medal, I objected. I said it was either too early or too late. Either it should have been done when we did not know what was going on, or now that we have got some real questions, it is too late to give it to him. We have got to solve the question of what happened.

I feel even more strongly now that we ought not to proceed in the absence of answers to our questions. It appears that Mr. Blair may have misled our President or at least our President's speechwriters about whether good information existed indicating that Iraq was in the process of buying the components of nuclear weapons.

This is not a small thing. Perhaps Mr. Blair was responsible for the administration's discredited claim that one of the September 11 hijackers met with Iraqi intelligence in Prague. Perhaps Mr. Blair was the source of the administration's discredited claim that Iraq was buying special aluminum tubes for the manufacture of nuclear weapons. These and many more statements made by Mr. Powell, Mr. Rumsfeld, Dr. Rice, Mr. Fleischer and even the President have been found to be incorrect.

We have not been told why our officials made so many misstatements about Iraq prior to going to war. If our leaders were led astray by the Prime Minister, we surely should not honor them with the Congressional Gold Medal. Of course, we certainly ought not to subcontract our decisions on war and peace to a foreign country's intelligence apparatus. How much we may like Mr. Blair means nothing. We ought to trust our own people.

So maybe the problem is with ourselves. For example, why do we spend $30 billion on intelligence and yet no one is capable of fact-checking a State of the Union speech? Why have we sacrificed the lives of more than 200 young Americans? We have been told they would protect our country from immediate danger posed by Saddam's barrels of nerve gas and biological toxins and nuclear weapons and al Qaeda and all the rest, but the information was weak, bad and apparently manipulated.

I think the people of Iraq are better off than they were before the United States took out the Saddam Hussein regime, but I am not sure that these Americans who died there were supposed to die to improve the lives of Iraqis. I think they were ready to die to protect their own country, the United States of America, from weapons of mass destruction that threaten our shores and our people.

I am sure that the young people from Britain who have died were similarly protecting their own country.

Perhaps Mr. Blair will answer our questions when he comes to the Chamber on Thursday. Perhaps as Head of State Mr. Blair will take personal responsibility for the errors that pervaded the intelligence he repeatedly cited and not let people who work for him take the blame. Perhaps Mr. Blair will set an example for our own President to follow. That would be worth a Congressional Gold Medal.

HIGH COST OF PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the high cost of prescription drugs, and I am going to be showing a chart and talking about what I think are some pretty stubborn facts. But before I do, I just want to remind the Members of something that Abraham Lincoln said over 100 years ago: You can fool some of the people some of the time, you can even fool all of the people some of the time, but you cannot fool all the people all the time.

Earlier, my colleague, the gentleman from Indiana (Mr. BURTON), rose and showed some righteous indignation about some of the kinds of advertising that are going on right now, and they are now saying that somehow if we are in favor of opening up markets to give Americans access to world-class drugs at world-market prices that somehow we are in favor of abortion, which is just a ludicrous argument to make. It says a lot about those groups, and I think my colleague, the gentleman from Indiana (Mr. BURTON), raised some of the questions about the ethics of those groups who are sending out those brochures and running those ads.

I think it is fair to ask where the money really comes from, and I think we all know where the money really comes from, but at the end of the day I think we ought to ask ourselves about the ethics of the pharmaceutical companies, the companies who are actually paying for those ads, the companies who actually develop and sell RU–486.

Why is it that they want to change the subject? Why is it they do not want to talk about the real issue? They want to talk about anything they can except this chart.

The reason is simple. They cannot defend this chart. They cannot even explain this chart. I have asked them to explain this chart. Let me go through some of the numbers on this chart.

These are not somebody else's numbers. This is not some goofball group from Florida. This is not some left wing or right wing extremist. These

are my numbers. Because I went to Germany 2 months ago, and we bought 10 of the most commonly prescribed drugs. The total price in the United States for those same drugs, $1,389.65. We paid $373.30 in Munich, Germany. I cannot explain that. They cannot explain that.

We know that, for example, every day Americans consume thousands of tons of imported foods. Last year, we imported 318,000 tons of plantains. We imported $1.1 billion worth of bananas last year.

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Americans gladly consume those bananas. About 40 percent of the orange juice that we consume in the United States now comes from other countries. We are an importer. Markets work. The reason we import is because we can buy those products cheaper in those markets than we can produce them here in the United States. But in many cases we are not talking about products that are produced somewhere else. Many of these products are produced here. But we are talking about products produced in FDA-approved facilities, drugs like Coumadin, which my father takes.

We bought Coumadin in Munich, Germany for $21. This same Coumadin package in Washington, D.C. sells for $89.95. Let us talk about ethics. Two years ago this package of drugs in the United States sold for $64. Nothing has changed. This drug was developed in the 1940s at the University of Wisconsin Veterinarian School. How did it go from $64 2 years ago to $89 today? Is that ethical? Is that responsible? Yet they sell it in Germany for $21.

My colleague talked about Tamoxifen. The American taxpayers paid to develop Tamoxifen. We paid hundreds of millions of your taxpayer dollars to develop Tamoxifen. They sell it in Germany for $60. A woman suffering from breast cancer here in the United States will pay $360 for this drug. Is that ethical? Is that responsible? Is that the kind of companies we are dealing with? Go down the list.

We had another example in several of the publications. The drug Taxol, we paid for the development. We took it through phase 2 trials at the NIH, the National Institutes of Health. We paid for all of that, hundreds of millions of dollars; and then the company came along and signed a licensing agreement, and we have gotten royalties back of $35 million, but the company has had sales of $9 billion. We got $35 million for the taxpayers after spending almost $500 million for developing the drug, and they got $9 billion in sales.

Let us talk about ethics and being responsible. We had a big debate last year about Enron and the stock holding companies and insider trading. We said this ethics thing has to change. This is one way we change it. We open up markets and hold people accountable, and things will change.

PROPOSED MEDICARE BILLS FALL SHORT

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I, too, feel the unease of those who spoke before me about the information the President gave us on a reason for going to Iraq. I think it requires investigation. It requires us to know the truth. I do hope when Tony Blair comes on Thursday, we will begin to know the truth.

But in the meanwhile, I want to inform American seniors about the Medicare reform bill that will be considered by the House/Senate conferees. I want to protect and respect our seniors, but I am shocked at the bill the House majority passed by only one vote just over a week ago. Medicare beneficiaries have waited a long time for help; but, unfortunately, the proposed legislation falls short of what seniors and disabled Americans have been waiting for.

We are at a time when we know the miracle of science. Prescription drugs can be miraculous in their power to cure and improve the quality of life of our seniors. We in government have the responsibility to capitalize on the advantages of science and help our seniors. By adding a prescription drug benefit to Medicare, a program that seniors know and trust, seniors will have an improved quality of life at a reduced cost to taxpayers over the long term.

A Medicare prescription drug benefit should be affordable, reducing the exorbitant prices of drugs, meaningful with guaranteed benefits, within Medicare, and available to all regardless of where they live.

So it is with great disappointment, Mr. Speaker, that I look at the proposals that were on this floor for Medicare reform. The House Republican bill fails to meet each one of the basic standards. The House bill does nothing to reduce the cost of prescription drugs. It creates a coverage gap so wide that almost 50 percent of seniors will fall into it.

Under the House bill, seniors pay the first $250 of their drug costs, then 20 percent up to $2,000. They will receive no assistance at all between $2,000 and $4,900. The bill also allows insurers to vary their benefit levels and prices around the country. Insurers will be able to limit access to specific drugs and pharmaceuticals. The House bill fails to guarantee the same benefits for the 9.2 million Medicare beneficiaries in rural communities, and it even prohibits the Secretary of HHS from negotiating a better price for seniors.

The bill that was passed by the House is designed to privatize Medicare, leaving seniors at the mercy of the HMOs and private insurance plans.

This bill uses private drug-only plans to administer the prescription drug program. These are plans that do not exist anywhere today. These plans could force seniors to leave trusted doctors and hospitals. Even worse, by 2010 the House bill turns the traditional Medicare program into a voucher program.

The Federal Government should provide a safety net for the citizens of America. Unfortunately, the House-passed bill does not include any important fall-back provisions. Under the Senate-passed bill, if at least two private plans fail to enter the market in a region, the Federal Government will step in and offer beneficiaries a Medicare prescription drug benefit. Private plans have not worked in many parts of the country, and over the past 5 years more than 2 million seniors have been abandoned by private HMOs seeking higher profit elsewhere.

I urge my colleagues to recognize this failure and vote accordingly. American seniors, do not be fooled.

CHINA AND HUMAN RIGHTS

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

Mr. PENCE. Mr. Speaker, as a member of the Committee on International Relations and the Human Rights Caucus, I rise today to talk about China. I know we in Washington are not talking about China much these days other than China is a great example of economic opportunity for American enterprise, and so it is. But before the Congressional Human Rights Caucus last week, we gathered to hear luminaries like Harry Wu, Chinese dissident, founder of the Laogai Research Foundation, and an even more famous dissident, Way Ting Sheng, a man who has been nominated for the Nobel Peace Prize a half dozen different times, and is known as the Chinese Mandela. They sat in a small congressional hearing room last week and spoke about an astonishing reality in China that I rise to reflect on today. It involves the execution of prisoners on an extraordinary and widespread scale, and the harvest and sale of prisoner human organs; and I am going to speak about what the heartfelt response of the American people ought to be.

It was just 64 years ago that the Nazi propaganda machine flaunted the Olympic Games coming to Munich and used that backdrop of legitimacy to launch the execution of 6 million Jews. In 1980, the Soviet Union touted the decision to have the Olympic Games in Moscow, and on the very eve of those Olympic Games launched its barbarous war against Afghanistan.

Now, as we look at the 2008 Olympic Games headed for Beijing, China, we are reminded of promises by that Communist regime to build eight new stadiums to prepare for the contestants. What they do not say is they have been using the older stadiums to stage sentencing rallies and to publicly condemn prisoners to death. Prisoners are brought to the stadiums, as we learned

last week, held in leg irons where audiences are required to watch their sentencing as a lesson in obedience to the law and government; and after the show, prisoners are paraded off to a firing squad. It is frightening and medieval stuff.

China today executes more people than all other countries in the world combined, according to Amnesty International, some 20,000 executions over the last decade, an average of 40 people a week; and that is just what is public, Mr. Speaker. Not only are they engaged in the moral horror of widespread public summary executions, but also China is in the business of carefully executing persons and then quickly harvesting prisoners' organs for sale on the international market. We heard from State Department officials who even acknowledged this.

It is an extraordinary thing, to say the least. The practice of taking human organs from condemned prisoners is in itself condemned by every known standard of medical ethics in the civilized world, and it goes on with American and Western customers paying top dollar for those organs each and every day.

I call on the United States of America and our State Department, as I did in the congressional hearing, to act in a number of ways, to issue a warning through HHS and the CDC to American citizens who are traveling abroad to the Asian Pacific Rim of not only the dangers of obtaining a human organ, but of the profound immorality of doing so. It is imperative that the United States of America speak in moral terms of that which is immoral, and it is immoral to harvest organs from condemned prisoners.

I also challenge the administration to rethink this entire business of engagement and to do as Ronald Reagan did whenever his administration did visit the Evil Empire, the Soviet Union. They met with dissidents; they associated themselves with people who were advancing freedom. The Good Book tells us, I am a friend to those who fear you, and so the United States should be to the Chinese people, a friend to those who cherish liberty and cherish the sanctity of human life and condemn the outrage of mass executions and the harvesting of human organs.

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.)

HONORING GEORGE GARCIA

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

Ms. SOLIS. Mr. Speaker, I rise tonight to honor a dear friend from my district, George Garcia, who died early this morning at the age of 51. He was a resident of El Sereno community of East Los Angeles in my district. He was born on May 6, 1952, in Los Angeles and grew up in the community of Chino, California.

At the age of 18, George Garcia answered our Nation's call to duty and voluntarily enlisted in the United States Army. He was signed to the 82nd Airborne Division, where he served with great honor during the Vietnam War. In Vietnam, George served as a ''tunnel rat.'' I asked my colleagues what is a tunnel rat. Apparently these young men in that era courageously dug tunnels behind enemy lines in the Vietnam War.

Upon returning from Vietnam, George married his high school sweetheart, Roberta Melendez. Together, they raised three beautiful children who mourn his loss today, as well as myself and other people from our community. One of his children, George, Jr., is carrying on his father's commitment to defending our Nation as a member of the United States Navy.

Upon returning from Vietnam, George Garcia dedicated his life and career to helping fellow veterans. For the past 25 years, he worked as an employee of the Employment Development Department in California finding jobs for unemployed veterans.

□ 2045

He founded the San Gabriel Valley East Los Angeles Veterans Employment Committee. He also fought vigorously to address the special needs of Latino veterans, including immigration, substance abuse and education training. George also formed coalitions among multi-ethnic groups and gave numerous hours to grassroots organizing to ensure a voice for his fellow veterans.

Most recently, George dedicated his time and expertise to military families who were waiting to hear about their loved ones who are currently serving in Iraq. He spent many, many years helping us each year provide gifts to poor children during Christmastime in the communities of East Los Angeles. Throughout his life, George Garcia gave unselfishly to his fellow veterans and their families. The imprint of his efforts can be felt throughout the Los Angeles community, and we all grieve for him today.

His commitment to serving his fellow veterans earned him in 2002 the honor of being named the State of California's Veteran of the Year by the Department for Veterans Outreach Programs in the State of California.

Whenever there was an event or a project to help veterans, George was there. I met him years ago as a State Senator in California. Every time I would ask him, what can we do to help the veterans, what can we do to help the homeless veterans, he was there giving his ideas, sharing with his heart and his compassion, tirelessly as a volunteer, no pay, but out of the love of his heart.

I want to ask all my colleagues here to join me in honoring a true American hero. To him and his family, his son and to all those people and all those veterans, homeless veterans who met and touched him, he touched their hearts and he touches our hearts every day. We will remember you, George. We love you. God bless you.

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

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

QUESTIONS CONCERNING IRAQI WEAPONS OF MASS DESTRUCTION

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

Ms. KAPTUR. Mr. Speaker, the White House has been backtracking on how it was that fraudulent intelligence information was included by the President in his January State of the Union address delivered in this Chamber. Specifically, the statement by President Bush was that Iraq had sought to buy processed uranium for weapons of mass destruction from Niger, Africa. That information was wrong. Indeed, the documents involved appear to contain forged signatures of leaders from those nations who are no longer in office. How could this kind of information be placed in a State of the Union address?

The current Director of the Central Intelligence Agency, Mr. George Tenet, over the weekend has claimed publicly that he will take responsibility for this serious statement that misled Congress, misled the American people and indeed the people of the world about Iraq's intentions and capabilities relative to nuclear weaponry. The real question about this revelation is who exactly knew what and when did they know it? And who is responsible for these words being included in the President's State of the Union address, an address of such major proportion that preceded the invasion?

At the same time as I ponder these questions as I know the American people are, I am in receipt of a letter from an intelligence officer. I have read it and reread it and reread it again. In the letter and in my dealings with intelligence officers, I have been told that they are trained to triple-check, to verify significant intelligence information, triple-check. So when a statement is made in the State of the Union address of such consequence, I ask myself, was it triple-checked? Who really knew what and when did they know it? Surely someone, more than one person in that White House and other places checked and rechecked and then

checked again every word and every sentence in the speech.

I know the President practiced the speech before coming here. All Presidents do. So who knew what and when did they know it?

A retired intelligence officer from the Marine Corps wrote me this letter just a few months ago, but his words have been coming back to me, and I reread this after these revelations this weekend, and I want to share some of it with my colleagues. He says he is a retired United States Marine Corps officer with over 30 years of active and reserve service. Upon his retirement from the Marine Corps, he has worked in domestic intelligence and law enforcement in our country at a senior level.

He basically informs me, in starting his letter, that his intelligence background is operationally based. But he says in the letter, first of all, there is no such thing as an intelligence failure, Congresswoman. Intelligence is a command function, just as operations is a command function, just as logistics is a command function. If a commander decides to do something that is not supported by intelligence, then that is a command failure, not an intelligence failure.

He wrote to me that in his opinion the evidence of Iraqi weapons of mass destruction had not been vetted through the intelligence community, and he adamantly believes that that process is absolutely critical to an adequate analysis of the question. I thought about those words a great deal.

He says in his letter, look at the decision to go to war in Iraq. Our Commander in Chief decided to go to war, he planned for an operation, and nobody was about to give him any information to the contrary.

I ask myself, even if they had that information? Who had the information? Who knew what and when did they know it? We have a responsibility to the Constitution, to this country and to the people of the world. We ought to get to the bottom of who knew what and when did they know it.

REGARDING REMARK IN PRESIDENT'S STATE OF THE UNION ADDRESS

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, a little under 20 years ago, the maiden holder of this congressional seat, the Honorable Barbara Jordan, served in this House. She served at a time that this Congress took up the impeachment process of then President Richard Milhous Nixon. Impeachment had not been done in the 20th century; and, of course, it was a very troubling, very serious and very sobering time for America and for this Congress.

As I recollect, Chairman Rodino attempted to work across party lines, and it was at a point of consensus on the House Judiciary Committee to the extent that Republicans conceded that maybe Mr. Nixon should resign that this process operated under. In fact, the Honorable Barbara Jordan was well noted for the words that she would not allow the Constitution to be diminished. It was at that time that I think Congress was at its best, bipartisan, in finding out the truth and telling the truth to the American people.

I was not there in Congress, obviously, and so I do not know whether the media chose to demonize those who felt in their hearts that the truth needed to be told.

We now come to almost 30 years, I believe, later, 2004, and we have a question of integrity and credibility, that on some sense there is a desire to know the truth. I have seen some light as this has unfolded to the American public, but I have also seen the effort to demonize those who would raise this question about what happened with respect to the intelligence that was given to the White House and the National Security Council.

I rise today, Mr. Speaker, to present that this is another serious question of the integrity of government. Just a few years ago, as a member of the House Judiciary Committee, in almost an uncanny way, I participated in an impeachment that my friends on the other side of the aisle thought was imperative so that the American people could know the truth. By them dominating the United States Congress, the articles of impeachment moved forward and a trial was held in the United States Senate against the President of the United States at that time, President William Jefferson Clinton. I may have vigorously disagreed, and I did. I participated in the process through the democratic processes and argued that those charges did not reach a constitutional charge of impeachment. But the process proceeded, and the American people were able to tell or denote for themselves truth or consequences, truth or falsity.

Today I ask the question of my Republican colleagues, is it no less important to find out whether or not the American people were misled as relates to intelligence given that was then recounted in one of the most sacred commentaries to the American people, the State of the Union?

In that address, the President offered that there was evidence that had been received from the British that the Iraqi government had tried to buy uranium from Africa. Whether that statement was vetted, the key word was recent purchase. Because, based upon the overall presentation that was made, it suggested to the Congress and to the American people that there was an urgent need to go to war and an urgent basis upon which to perpetrate a preemptive strike.

We now have the owners of this House, the majority of this House, demonizing those who are simply asking for truth, suggesting it is frivolous, suggesting it has already been answered, asked and answered, and I absolutely disagree.

The American people deserve the truth, Mr. Speaker, because, as we speak, the sons and daughters of Americans are dying in Iraq. None of us would fail to defend this Nation, but it is a travesty that as we find the smudging fingerprints of misrepresentation across this administration that our colleagues would not rise to join us in a unanimous effort to ensure that an investigation is had.

Ambassador Joe Wilson went to Africa in January, February and March of 2002 to investigate this, if you will, representation. He found that there was no truth to this. He said it over and over again.

I have asked for the stepping aside of the CIA Director or the firing so that he can come forward under subpoena and speak the truth to the United States people. I conclude, Mr. Speaker, by simply saying that I will write a resolution of inquiry in order to find out the truth for the American people.

COMMUNICATION FROM THE HONORABLE JOE BACA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BACA, Member of Congress:

HOUSE OF REPRESENTATIVES,
July 11, 2003.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE BACA,
Congressman, 43rd CD.

ISSUES OF THE WEST

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

Mr. MCINNIS. Mr. Speaker, this evening the bulk of my comments I intend to make about issues of the West, issues involving the concept of multiple use, issues delving really around public lands. But preceding those comments I cannot help but give some type of rebuttal to the preceding speakers who in my opinion spoke solely for the purpose of self-serving interests.

Having spent this last weekend looking at the TV periodically and seeing some of the reports that I saw on TV, it is very clear to me that we have a

Presidential election coming up in the not-too-distant future. What I saw time and time again, especially by the candidates who intend to oppose George W. Bush for the Presidency of this Nation, what I saw them time and time again on reflecting upon was how they could get their purported goals of being elected President ahead of what are in the best interests of this Nation.

I could not believe my ears this weekend when time and time again we saw those candidates who are seeking the Presidential office next year bashing the President of this country on a basis of which they do not know.

I thought it was very interesting that my colleague, the gentlewoman from Ohio, stood up here and quoted from a so-called intelligence source, from some officer in the military of which she had got a letter. Over and over again in her comments, she lectured, saying that, you know, these things ought to be checked at least three times. I wish I would have had time during her time or I wish she would have yielded during her time so that I could have found out whether or not she had in fact verified her source the very three times upon which she condemned the administration theoretically for not doing.

□ 2100

And to have listened to the previous speaker, the gentlewoman from the State of Texas, who stands up here and blatantly says that the administration across the administration has made misrepresentations. It takes away from this House; it takes away from this country. Even the accused deserve more than what the previous speaker has just given to the administration. The previous speaker does not cite any proof. The previous speaker puts a few nice words in order up here and makes these allegations that there is blatant misrepresentation across the administration. Tell me that statement is anything except intended for self-serving interest. It is one of the most partisan remarks that I have heard since I have been up here in the House.

What they are trying to do is capitalize, capitalize upon 16 words; and by the way, I was involved very intensely in the debate on whether or not we should take action against Iraq, and I do not remember and of course I did not hear all the record, but I heard a lot of the record. I did not remember any of these previous speakers or, in fact, any of the speakers that have condemned the revelations that came out this weekend that perhaps the intelligence was not as good as it should have been or there were 16 words in the State of the Union address, when we debated the resolutions on Iraq, I never heard one of the speakers, not one of them, use as their source the State of the Union speech.

I did not hear one of those speakers refer to the sale from Africa as some type of uranium material. Not once did they cite that as one of their reasons or questions that we should take action against Iraq.

What am I suggesting? I am suggesting they are making an awful lot out of this for one reason, not for the sake of the country, not for the sake of openness, not for the sake of the future and vision in this country and where to take this country. They are making these allegations for one reason and one reason only, and that is to somehow forward their own, forward their own self-interest, which in this particular case is a partisan attack against the President of the United States. They see this as an opening.

I read either on the ''Roll Call'' or ''The Hill'' or some other political newspaper today that these words in the State of the Union address may give an opening to the Democrats. Boy, if there is any kind of light at all coming through that door, we can see speakers just like the speakers we heard this evening taking advantage at this time on the floor for their own self-interest to issue a very stinging, self-serving partisan attack against the President. They have not walked one inch in the shoes of our President. They have never walked that mile, and yet they are so quick to jump up and condemn the leadership of this country.

I believe what this country did was right, and let me tell the Members it was not just a partisan decision to go to war. This was a decision on a resolution that was acted on in a bipartisan fashion. It received bipartisan support. And let me tell the Members it was not just this President. Let me show a poster I brought over. This is President Bill Clinton's comments. Look over here to my left. President Bill Clinton on Saddam's threat. February 18, 1998, 5 years ago: ''What if Saddam Hussein fails to comply and we fail to act or if we take some ambiguous third route which gives him yet more opportunities to develop his programs of weapons of mass destruction and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will conclude that he can go right on and do more to rebuild an arsenal of devastating destruction.'' President Bill Clinton saw that danger. President George Bush, the first President Bush, saw that danger, and this President saw this danger.

Do the Members know what is being masked here or what is being diverted, the diversion? What it takes away from is what an evil, horrible, horrible man Saddam Hussein was. And anybody that would stand up to the American people today and even dare to say that the people in Iraq are in worse condition today than they were before we took Saddam Hussein out, in other words, they are saying they were better under the control of Saddam Hussein, has no realization of how horrible this individual was.

In the eyes of many people, he rose to the same level or downgraded to the same level, however one would like to put it, to Adolph Hitler, the same kind of sick, perverted mind, the same treacherous murders. Although Hitler did not gas like Saddam Hussein did, we know that he used these weapons of mass destruction of his own people. We know from his own admissions, and I have got a chart that shows that, from his own admissions Saddam Hussein made to the United Nations of the lists of weapons of mass destruction. We know that in recorded history that he has killed more Muslims than any other person in recorded history. Muslims. This man was a horrible man. There is not a person in this world, not a person in the world that can stand up and show that this man respected any type of human right, any type of human right. This man was a murderer.

And despite what these two previous speakers say, despite what the Democratic leadership is attempting to do to push forward their Democratic candidates for President, no matter how much they attack President George W. Bush, the reality of it is that one of the worst murderers in the history of the world is no longer in authority in Iraq. One of the worst murderers in the history of the world had the greatest country in the world step up to him, and they said do you want to pick on somebody? Pick on somebody your own size. And the United States of America took him out of power.

Thank goodness that this country has able-bodied leaders, and I mean in the mind. Thank goodness this country has the people with the courage to team up with our allies like Tony Blair, who I am privileged to say people talk about a guy who deserves a Profile in Courage, and contrary to the comments by the gentleman from the State of Washington that perhaps he does not deserve this congressional honor that we are going to give him this week, the fact is that he stood, our President stood.

There were a lot of countries in this world that would have stood against Saddam Hussein, but they did not have the wherewithal to take him out. The United States did. The British did. There were other countries in this world who knew of the atrocities, just like some of my colleagues who spoke this evening, they knew of the atrocities that were going on in Iraq; and they did have the wherewithal to join our team, and they purposely hid in the foxhole. They would not come out of the foxhole. And our President and Tony Blair and the people of Britain, the people of Poland, the people of the United States, the people of Australia and some other countries, they did come out of the foxhole; and they used the power for a good purpose, for a good means. They took out an evil man.

And my colleagues on the Democratic side who are making these comments for a very clear partisan purpose, and that is they want to win the

Presidential elections next year, that is the only reason we had these speakers here this evening. Mark my word. These speakers would not be making these comments this evening, in my opinion, if there were not a Presidential election coming up. Those comments are tailor made, tailor made for television audiences around this country to somehow impact the upcoming Presidential elections. That is why those comments are made.

The fact of it is when we put all that cloud aside, when we put all of that distortion aside, when we get the static off the radio, the fact is a very evil man was removed from power, and for that the President of this country, the people of this country, the people of Britain, and the people of that willing team ought to be commended. We had the guts to take on an evil man. We had the wherewithal to take that evil man out. And now to see within our own camp, within our own camp on this House floor, some of my colleagues for strictly partisan purposes not stand at this microphone and talk about the evilness of Saddam Hussein, but stand at this microphone and talk about what they would describe as terrible things of our own administration, of our own leadership. What are they going to do, beat themselves up here in front of the American people to show the rest of the world that somehow the United States should hang its head low?

This is a proud country. I am proud to be a Congressman in it, and I will tell the Members this: I am very proud this country stood nose to nose with an evil man and took that evil man out of power. And to all our men and women that are out there in that fighting force, they have every reason to be proud. The decision that was made to send them to battle was the right decision, and the mission that they carried out was carried out in the correct fashion.

I think it is sadly disappointing to have some of my colleagues, who I like personally, they are nice people, but to stand up here for strictly partisan purposes and take shot after shot because we have Presidential elections coming up, taking shot after shot about our President and totally ignoring the evilness of Saddam Hussein, that in itself fits the definition of shamefulness in the Webster Dictionary.

I want to move from this because this was not my original intent. I did not intend to discuss this tonight, but I cannot sit in these House Chambers and listen to speaker after speaker on the Democratic side go up unrebutted. Nobody else, they would not make those kinds of comments in a debate where the other side had a chance to respond to it. They made those comments because they did not think anybody would be responding to them this evening. So I did divert from my comments for a few minutes, and I intend to go back to my comments and my original subject here this evening, but I want these people, the Democrats, to know, and not all of them but the liberals over there, some of these people, their comments will be rebutted. I cannot sit back here and listen to some of that go on.

So my purpose this evening was, as I said earlier, really to talk about kind of the East and the West, primarily the western United States. I come from the State of Colorado. This evening I want to talk a little bit about the West and the public lands of this country and talk a little bit about what public lands are, talk about the issues that revolve around public lands, the forest fires which we have going right now. We speak of young men and women that are fighting in our military forces throughout the world, our young men and women in the military that are stationed in this country to defend this country that are doing their missions as we speak.

We also have many men and women that are also fighting fires as we now speak, fighting fires. We have many law enforcement personnel, many first-aid people, many firefighters across the country engaged in a life-threatening mission. And a lot of this today as we speak are some of the big fires that are starting now in the West. We have got a very dry season out there. Right now in Grand Junction, Colorado, which is the home I am from, it is 105 degrees. It sets a record. It has been setting a record day after day for about a week. So I want to talk a little bit about the fire issues, about the forest issues, about the BLM issues.

So let us begin by talking just for a moment about public lands. What are public lands? It is as the word describes: public lands are lands owned by the public. The United States, throughout the world, basically we have two types of ownership. This is very fundamental, but basic. We have lands that are owned privately, i.e. probably most of those whom I am speaking to this evening on the House floor, they own the land on which their home sits. That is private property. That is private lands, private lands. Public lands are lands that are owned by the people, owned by the government; and in the United States we have tens of millions, actually hundreds of millions of acres of land that are owned by the public. And land owned in private hands is treated differently than land owned by the public for a number of different reasons, many of those which are necessary, many of those which we would expect, many of those which make common sense.

But there is a little history to what happened with public lands in the country. And the first thing we have to do when we have a discussion of public lands is realize that the bulk of public lands is located in the western United States, and there is a reason for that; but let me first of all refer folks over here to my left. This is a map of government lands in the United States. All the color on that map of the United States reflects what I have just described as public lands. These are public lands. And take a look at what we have here. In the East, generally speaking, in fact, really from east of the mountains so even in part of Colorado, eastern Colorado, we go from, say, east to, say, Denver, Colorado, out here to New York City or Washington, D.C., relatively speaking, you do not have many public lands.

□ 2115

In the East, most of your landownership is in private hands. It is not in public hands. Now there are some big exceptions. You have, for example, you have the Everglades Park. Up here, you have the Shenandoah Valley and some of the national parks up there. Up in the Northeast we have a national park and preserves up there.

But take a look at some of these areas. Take a look at the State of Kansas. In a lot of these areas, the only public land is land owned by the local city hall or the fire department or the local courthouse.

Well, then compare that, compare the eastern United States with the western United States. Take a look at the percentage of public lands. I have counties in my district; now, my district is a big district. To give my colleagues an idea, my district alone is about the size of the State of Florida. And if you take a look, I have counties in my district that have 98 percent of their land is in public hands, and it has a big impact. Well, how did that happen? How did so much of the public land end up in one part of the Nation and not dispersed somewhat evenly throughout the rest of the Nation?

Well, clearly there is a story to be told. As we look at the History Channel, for example, you know there is a story to be told, and that is what I want to tell tonight.

In the early days, most of our population obviously was in this area of the country, right along the eastern coast; and what happened is, in those days, we wanted to grow our Nation. That is what the entire world wanted to do. We wanted to grow this new country of ours, these great number of these States, united, called the United States, under one symbol, under a flag. We were so proud, we wanted to grow that country. In order to grow that country, what we needed to do is somehow get people to go out and help us settle the land. The government went out and bought the land.

But unlike today, today, if, for example, I own a piece of property in Hawaii, I do not have to go to Hawaii. I do not have to go to Hawaii for several years as long as I pay my taxes and I have a deed that says I own that property, that property is protected under my rights. It is my land. It is private property.

But in the early days of this country, private property or the land that you claimed was yours was not yours unless you were really on it. A deed did not

mean a whole lot. In fact, many of my colleagues have heard the saying, possession is nine-tenths of the law. That is where this came from. In order for you to claim the land, you needed to be on the land, you needed to be tilling the land and, frankly, in a lot of cases, you needed to have a six-shooter strapped to your side.

So we knew that in order for the United States to really keep control of this land, to help grow our great country, we needed to persuade people to leave the East Coast and go to the West. Go west, young man, go west.

Now, this is pretty tough to do. Now, today, when you say to somebody, hey, let us go west of the Colorado mountains, let us go to Aspen or Durango or Steamboat or Glenwood Springs, it is a pretty easy decision to make. You go out there and have a great time. Some of the most beautiful spots in the world are in the Rocky Mountains of Colorado.

But back in the early days of this country, the only thing that you were promised by going west was, one, a free piece of property. But what they did not tell you so much or emphasize so much was that the odds were, most of the women would die in childbirth, most of the men would probably die in accidents in their 20s. You had to worry about snakebites. You had to worry about attacks from different groups, whether it was native Americans or whether it was pirates of our own. They did not have a real justice system out there in the prairies and out there in the West. So it was very dangerous. It did not offer a lot of promise for a long future. They did not have time-shares out in Colorado and out there in those mountains in the early days. It was a tough existence.

So what did the government do to get people to go there? They gave what is really a fundamental dream for every American, and that is the possibility to own your own piece of property. Mr. Speaker, one of the great things of this country, unlike a lot of countries in this world, one of the great things of this country is that you can own your own piece of land. It is yours. And we all dream about it.

I can remember when I was small dreaming of having my own house on my own piece of property up in the mountains. I was born and raised in the mountains. I mean, I dreamed of it. I think of the George Strait song where he talks about the difference between living and living well. He talks about his little home, his little beach house on the beach and watching a thousand sunsets. I mean, we dream of owning property.

That is what the government did. They capitalized on this dream and said, let us offer it to the people. If they go out, our citizens go out and they start a little farm out here in Kansas, let us say out in there somewhere, let us say near Hayes, Kansas, or somewhere, if they go out and till the land, we will give them 160 acres or 320 acres and they can support a family.

Now, that was called homesteading, and we had actually used land for this purpose before. Interesting.

What we had done during the Revolutionary War is the government had actually offered, to the extent that we had that government at that point, like a Department of Interior, so to speak, our government offered to British soldiers free land. You can own your own property, free of the queen, if you defect from the British forces and join our forces. So this was not the first time the government tried this scheme.

So the government did this. They decided, let us go ahead and offer free land and persuade people to go out and occupy the lands, for example, that we got under the Louisiana Purchase. It accomplishes two things. One, it expands our borders; two, it puts people on the land so we can conquer it; and, three, it meets the dreams of a united continental United States.

Mr. Speaker, it worked. We had people, we have seen the movies where they would have a big string or big rope attached and all of these people on horses and wagons, it was like the Gold Rush days. They got to have land.

What happened is that it was a tremendous success, a tremendous success. The people were coming this way, they were coming in here, they were settling all over, up here, up in the north, over here in Kansas in the mid country. They were down there in the south. They were going into Texas. People were looking to settle. They were expanding into this country.

But all of a sudden we found out there was a problem out there. And that was soon these settlers found out that when they hit the Rocky Mountains of Colorado or they hit the mountains of Wyoming or they hit the Rockies up there in Montana or they got into the deserts in Arizona, that 160 acres could not support a family. Out in the area where I live near Grand Junction, Colorado, there are places out there you cannot feed one sheep on 20 acres.

So word got back to the Nation's capital: Hey, our Homestead Act is working pretty well until you hit the mountains of Colorado or the mountains of Montana or Wyoming. When they get out into that rugged country, it is arid, and they discovered that there is a huge difference between the amount of water in the East and water in the West. Let me show my colleagues.

For example, while we are talking about the West here, take a look at what these settlers ran into. Seventy-three percent of the water in this Nation, 73 percent of the precipitation falls right there in the East. That is where they lived. So homesteading up here, a growing pasture where you have that kind of water is a whole lot different than growing pasture out in the Rockies or out in the West.

Take a look here. Over half of the Nation is in this red, and over half of the Nation gets only 14 percent of the water. So as these settlers came to the West, not only did they run into the rugged mountains, but they ran into the fact that it is an arid part of this country.

You cannot raise things on 160 acres that you can, for example, out here in Virginia or over in Florida. I have never seen such magnificent farms as I have seen in Virginia or down in Florida where I have seen those big farms. We have arid conditions in the West. So water played a part, played a role in the difficulty that we faced.

So they went back to Washington and they said, there is no water out there. That is tough country out there. The mountains, these mountains are beautiful, but it is tough living. The people are not settling where we need them to settle. And somebody, and I am making up this number, I am sure historically we could probably find it, but somebody said, well, the way to do it, if a family in Colorado where it is arid out there in the West or Nevada or somewhere cannot make it on 160 acres, maybe we ought to give them, and I make this number up, maybe we ought to give them 2,000 acres. Let us give them an amount of land that would be proportionate to the amount of land that they would need to grow on 160 acres.

The problem was this: The government was under a lot of political heat because they have given away land to what was then called the railroad barons, the Intercontinental Railroad, and there is a book by Stephen Ambrose, which is a fabulous book about the difference in our country that this railroad made, the construction of that railroad. That workforce, we had a workforce ready to go, ready to take orders right after the Civil War, a workforce that understood tough conditions because of the Civil War, and that they could build this railroad with only one power device, by the way, a little tractor out there, it was all built by hand, that they could build that railroad. But, unfortunately, there was some fraud involved in the construction of that railroad, and they were called the railroad barons.

Now, a lot of these people, this railroad would not have been built but for those folks. But amongst their crowd, there were some bad apples. So the political circles in Washington, D.C., were under a lot of political heat: Do not give away any more land. Look what you did. You gave this land for this great railroad and look what these railroad barons did with it. So the government at that time and, in my opinion, the only reason that the government decided to keep this vast amount of land was not because they had visions that the Arizona desert or the Utah desert out here would someday be a national park. That was not the vision, like some groups would like us to believe today. In fact, they did have that vision on specific areas: Theodore Roosevelt, the President, for example,

on Yellowstone National Park. But there were specific areas that they did have that vision of great national parks and preservation for all future generations.

But that is not the explanation of why all of this land ended up in public hands or stayed in public hands. The reason is that Washington could not take the political heat at that point in time to give away the land that was necessary to support the families in proportion to the same amount of land they had given in the East. So they came up with a solution, and this is a very important part of my comments. They came up with a solution.

Well, instead of giving the people the land to homestead on, why do we not go ahead and keep the title in the government's name, but we will allow the people the use of it. And thereupon was born the concept of multiple use on public lands. Let the people use the lands, even though the title of the land is in the name of the government and Washington, D.C. That thereupon explains why so much of this land in the West was put into public hands.

Now today one of the challenges that we face living on these public lands, and let me give you an idea of what living on public lands means. In my district, almost every area in my district is completely, and I mean completely, surrounded by land owned by the government. Every community in my district is totally dependent upon those public lands. We get our power across those public lands. We get our water, all of our water, or most of our water originates, comes across, or is stored upon Federal lands. Our recreation is on Federal lands. Our cellular telephone towers are on public lands. Our radio towers, our TV towers, our access, our highways, you name it, we are dependent on public lands.

Many of my colleagues in the East are not. They do not have that problem. In fact, in the East when you want to build a ditch or a major construction project, you go to the planning and zoning authority. In the West, our planning and zoning authority is often in Washington, D.C., because the owner of the land is the United States Government.

And there are a lot of people in the East, unfortunately, not large in population, because we are one country and we have a lot of people who understand the situation that we are in, but we have certain radical environmental organizations that their number one goal is to eliminate the multiple use concept, eliminate that saying that I grew up under: You are now entering White River National Park, for example, White River National Forest in Glenwood Springs, Colorado, a land of many uses. They want to eliminate the human existence off of these lands. They want to get rid of that concept. There are people who do not want us to have ski areas out here. They do not want us hunting on public lands. They do not want us getting our water off public lands.

□ 2130

They are fighting. They do not want power lines on public lands. They do not want us to have parks and recreational areas in certain parts of those public lands. What they want to do is take control of that so we have a constant battle, a battle that is not undiscovered in the East, but certainly is not a primary concern in the East because you do not have to deal with it on a day-to-day basis and we do.

Now, let me talk about one of the big problems we have out there. As I showed you earlier, I showed you a diagram where over half of this Nation gets 14 percent of the water, where that is where the precipitation and that is in the West.

In the West we have got to have water storage. Water storage is absolutely critical. Now, I know that groups like the National Sierra Club, for example, have never in the history of their organization to the best of my knowledge ever supported a water storage project. In fact, the National Sierra Club's number one goal is to take down the major recreational power supplier, flood control and water storage unit in the West called Lake Powell down here in Utah. That is their number one goal. Water storage is critical for us.

The first dam we know to be built in the West was the Anasazi Indians down to the Four Corners. The Four Corners is called that, it is right over here, it is the only place in the Nation where four States come together at once. You can stand in my district right on that corner and be in four States at once. And it is down in there where the Anasazi Indians lived. And what drove the Anasazi Indian out of their settlements that they had had for hundreds and hundreds of years? It was the lack of water. And we found evidence down there, I did not, but the archeologists found evidence down there of dams, the first known storage of water.

If you live in the West you are dependent upon water storage. In the last 3 or 4 years, last year we had a severe drought. This year we have severe heat. In the last couple of years preceding those years, we had much less than usual precipitation. The only way we were able to survive is because we had water storage.

In Colorado, for example, in western Colorado we have all the water we could possibly want in a usual year for about a 60- to 90-day period of time, and that period of time is called the ''spring runoff.'' But after that 60 or the 70 days after the spring runoff, which is the high snow coming and melting off the high mountains, once that runoff runs out of the State, if we do not store it, we do not have it. And the rest of the year, the rest of those days of the year if we do not have stored water, we are in real trouble.

I never knew what a real rain storm was until I came here in the East. Even the drops of rain, even your drops here are significantly larger than the drops of rain that we get in the West. We do not have rain storms like you do back here. It is very tough in the West. We have got to store water. And that is why you will find it is very interesting to see, for example, on some of these environmental score cards, it is very hard to find a so-called environmental organization, primarily the ones on the left, it is hard to find any of them that says anything positive about water storage. But it is very interesting when you look at their so-called environmental score cards, you will see the legislators, the Congressmen in the East at the top with the A's and you will see those in the West that have to support the water storage, that understand and have to deal with public lands, they are at the bottom of the list. They usually get the F's on it. And I can tell you I am down there too because of my support for water storage.

So my comments this evening, which I will wrap up here because I want to do this in a series, I want to leave you with a couple of fact or things that I think are important to carry into any next comments which I would like to make a few nights from now.

Number one, in the United States the largest conglomerate of public lands, keep in mind it is not spread evenly throughout the country, the largest block of public lands is in the West; and it is reflected by the map to my left. All of those colors on that map indicate public lands.

Number two, something very important to remember and I will show this poster again, in the East, what I would call the East, the blue spot, the blue part of this map, that is where 73 percent of the precipitation and the water is found in this country. In the West, specifically the red part, that is over half the Nation in total acreage or size, receives 14 percent of the precipitation. So water storage here is obviously much more important for you to have water on somewhat of a continual basis through the year than water storage might be in the East.

Now, water storage is important in the East because you obviously have production of power; you have flood control, which is very important for you out here. In fact, in the East your problem a lot of times is getting rid of the water. Our problem in the West is being able to keep the water, to be able to store the water.

So I wanted you to go away from my comments this evening keeping in mind that in this area, generally, where most of the public lands are is also where the least amount of water is. So water is very precious. They say in Colorado, they say in the West, I keep saying Colorado because that is my home, but they say in the West that water runs thicker than blood. That is how vital it is out there.

So we have a number of discussions here on this House floor about public lands. We have a number of discussions about issues dealing with public lands. I cannot tell you how many times I

have heard some of my colleagues who, giving them the benefit of the doubt, I think are ignorant somewhat of the facts, who attack the fact that we have ski areas out in the West or that we have, God forbid, we cut some timber off some of this land out there or we have recreation or we have mountain bikes that we allow on government lands or we go horseback riding or we allow animals grazing. Before any of you sign on some of these ''dear colleague'' letters that condemn use on public lands, come to some of us who live in it, come to some of us who experience it every day of our lives, whose families have for generations and generations lived on these public lands or lived on little private holdings that are completely surrounded by these public lands and ask us about those issues.

So, again, this evening, one, I would like you to go away with remembering where the bulk of public lands are in this country. They are in the West. Proportionately speaking, there are only a fraction of the public lands held in the East. And by the way, an interesting history story to help you remember that, in the State of Texas, Texas as you know was its own country at one time and before Texas agreed to join this great Nation, the United States, one of their conditions was that the government could never own land within the boundaries of the State of Texas without permission of the people of the State of Texas. The only State to my understanding of the Union that is like that. Alaska should have done that; 98 percent of Alaska is owned by the government.

So keep that in mind. That is where the bulk of it is. And the second thing, to be repetitive, but it is so important, is the largest percentage of moisture, 73 percent, almost three-quarters of the precipitation and water in this country, is in the East on the private lands. It is on these lands out here where I live, this is where we get in this area, except for the northwest right up here, this big bulk of public lands here gets 14 percent of the water.

So I urge my colleagues this evening, do not sign on to these ''dear colleague'' letters that say take down Lake Powell. Lake Powell is a vital resource to the survival of the people of the West. Do not sign on to these letters that say we should get rid of the concept of the multiple use. Do not sign on to these letters that say get rid of all the roads on public lands. Do not sign on to these letters that say, for example, take all of this, put people off and put a wilderness designation. And wilderness is a positive term, but what it means in legal terms when you title it wilderness has huge, huge ramifications on the people that are around it.

So in summary I say this: public lands are an important part of this country. They are property of the country. The people of this country do own that, but you have to give consideration to the people who live on those lands and the vitality of those people to be able to survive.

With that, I will wrap up my comments. I look forward to continuing this. We will go into much more detail in a couple nights on water and the consumption of water and the recycling of water.

IRAQ WATCH

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

Mr. HOEFFEL. Mr. Speaker, for 5 or 6 weeks, a number of us have been coming to the floor to discuss our Nation's involvement and our role in Iraq. We have at least four times come here, four of us, the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Illinois (Mr. EMANUEL), and the gentleman from Hawaii (Mr. ABERCROMBIE), and have had a discussion and a lively give and take about Iraq, about what is going right over there, what is going wrong, trying to seek the truth, trying to suggest policy changes, trying to have a full discussion and report to the people of this country. And we have decided to do this every week, every week that the House is in session as long as our country is involved in Iraq.

We are going to call ourselves the Iraq Watch because we think that there are important public policy matters that the American people need to be aware of, that Congress needs to focus on, we need to ask questions about, seek information about, to clarify, to seek policy changes, to make some changes and fundamentally to report to the people of this country on what we know and what we think we all ought to know about what has happened in Iraq.

Now, of the four I named, two of us voted in favor of the military authority sought by the President and two of us voted ''no'' to exercise that authority. But we all were sold, as was the entire Congress and the American people, with great certainty by the administration and by the President that Saddam Hussein had weapons of mass destruction last fall when the vote was approaching and that he was trying to develop more. The certainty was expressed in public. The certainty was expressed in private.

I have, along with a number of Members of Congress, attended a briefing at the White House, one of a series of briefings. In my case, we were briefed by Condoleezza Rice, the National Security Advisor, and George Tenet, the director of the CIA. We were told with certainty that Saddam Hussein had weapons of mass destruction and was trying to develop more.

Now, there is no question that in the past Hussein had weapons of mass destruction. That has been proven. He used them. He used weapons of mass destruction against his own people. He used them against the Kurds. And he used them against innocent civilians in Iraq. He used them in murderous ways. That is beyond question. But what we were told is that he had them in the fall of 2002, that he was developing more, and that he was an impediment to the peace in the Middle East and to our Nation's security and because of that imminent threat, we needed to exercise preemptive military power to disarm Saddam Hussein.

I voted for it. I would do so again being told the same information as we were told then. I imagine that some of my colleagues who voted ''no'' would vote ''no'' again. But the question is we are discovering that things may not have been just what we thought they were. We certainly have won a great military victory. Our armed services, our young men and women in uniform performed admirably and with great courage in Iraq. But we have got two questions, this group has two questions: Fundamentally, is our military mission complete and are we winning the peace in Iraq? And I would submit before I yield to my colleagues that the military mission is not complete and cannot be complete as long as there has not been an accounting of the weapons of mass destruction, where are they and who controls them, and what went wrong regarding our intelligence, how was our intelligence collected, and how was it used by the White House and by the political leadership, and are we doing the right things from a policy standpoint to win the peace.

And I suggest that this group of four and many of our colleagues have a lot of questions about this. I know those questions are shared by the American people; I hope we can give voice to these questions in this Iraq Watch. I hope we can come up with some answers or seek those answers from the administration, and I hope we can report back on a regular basis once a week to the American people.

I yield now to my colleague, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOEFFEL) for organizing this. It is interesting that you noted we were militarily successful, and I think everybody takes pride in what our men and women in uniform did in pursuing the mission that they were on.

What I think is unfortunate is that they went into that mission without a plan for the occupation and without a sense of how to seek and secure that peace once the war was over. And that is something that the civilian leaders, that is the type of leadership that the civilian leaders needed to provide and did not.

Let me give you an example of that point. After the war and hostilities ceased in both Bosnia and Kosovo, not a single American soldier was killed in action after the hostility ceased. Why? Because in both cases we had a plan for the occupation, and we had allies, two things missing in this endeavor.

□ 2145

As recently as May, when the Defense Department said we could have won the war and secured peace with 50,000 troops, we now have 150,000 troops. Today there was an announcement that there would be postponement of any troops going home. So no family member knows an exact date as far as the eye can see on the horizon, and there may even be a further call-up for further troops.

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

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

Mr. DELAHUNT. Mr. Speaker, as my colleague put it also today, India has made a decision through its democratic process that it will not send troops unless there is a United Nations resolution. What I am very, very concerned about is, are we going to end up in Iraq with a vast majority of troops assigned there to ensure security and stability as Americans?

We have heard from the Secretary of Defense, Mr. Rumsfeld, that there will be additional foreign troops sent to Iraq, but when we ask the question where are these troops coming from, what are their numbers, we are met with silence basically. Again, there are reports coming from military sources that indicate that if the situation continues to deteriorate in Iraq we very well might need double, double, the number of troops to ensure again stability and security for the Iraqi people.

Mr. EMANUEL. Mr. Speaker, I would like to note that on the occupation, not only are our troops there, 150,000 U.S. troops now, permanently stationed there, and as my colleague noted that there are other countries who will not, like India, participate without the U.N. There is nothing that has occurred in the postwar Iraq that was not predictable or foreseen pre the war. And I think that although there is a great argument about 16 words that were legitimately said in the well of this Chamber, the people's House, and it is a legitimate question, I think one of the greatest travesties, and I would hope that we would have an inquiry in either the House or the other Chamber, any investigation, on how we went to war without an exit strategy.

There has been a bipartisan agreement for a long time that we never will send American troops, at least post-Vietnam, we would never send American troops into combat without knowing how to exit. We have no plan for the peace and we have no plan to secure the exit of our American men and women.

Mr. HOEFFEL. Mr. Speaker, I can assure the gentleman, as the gentleman from Massachusetts (Mr. DELAHUNT) can, that there was no lack of trying to get that exit strategy from the administration last fall. I wrote letters to the President. I know the gentleman from Massachusetts (Mr. DELAHUNT) participated in similar efforts. He and I serve on the Committee on International Relations. There was great efforts at hearings as well as individual letters written to the administration seeking information.

Mr. EMANUEL. Mr. Speaker, if I may ask then, the gentleman sought pre the war, when there was still the debate in this country going on, if we are there, we win, how are we coming home. That question was attempted to seek an answer?

Mr. HOEFFEL. Yes.

Mr. DELAHUNT. And there were never any answers to those questions.

Mr. HOEFFEL. The gentleman is correct, there were not answers. And there were many more questions, certainly in my letter? How much will it cost? How many troops will it take? How many allies will go in with us? How many allies will stay with us in the post-conflict exercise?

The military victory was never in doubt. No one doubted that, but the question was what kind of risk were we assuming, would we have friends to help us, to absorb some of the cost and to take on some of the responsibility so that the United States would not alone be the subject of frustration and anger after the fact, which is exactly what is happening.

Thirty American soldiers have been assassinated, attacked, ambushed and assassinated since the President declared military victory. About 75 altogether have died, but 30 have been killed directly.

Mr. EMANUEL. Mr. Speaker, if the gentleman would continue to yield for a second, according to the Associated Press today, I think as well both killed and died in a humvee accident, there has been 84 deaths in 79 days since the President landed on the Lincoln aircraft carrier. Eighty-four Americans have died, 30 plus through assassination, others through humvees turning over, other accidents, but 84 Americans are not coming home to their loved ones, to see their children. There is no doubt.

I think that that, to me, one of the great travesties here is that there is not a plan for the occupation. There is not a plan for the exit strategy. And last week we learned now finally after, I do not know why we have to browbeat this answer, but we have spent and are planning on spending $1 billion a week.

Mr. DELAHUNT. As far as the eye can see.

Mr. EMANUEL. That is right, a minimum of 4 years. That is $50 billion a year if my math works, and I still I think I am pretty good at it. That comes to $200 billion on the occupation side of Iraq. We spend $12 billion, $12 billion on just college assistance at the Federal level, $12 billion versus $200 billion. Two billion dollars would give health insurance to every uninsured American and guarantee a bare minimum for the other, not just the 42 million but those who are actually being cut from the rolls.

There is much that we can do here at home for that same cost, not that we are not for the reconstruction of Iraq. Now that we have won the war, I think we all believe that it is pretty essential to invest in Iraq's future, but, remember, this is the very time that we are going to invest. This is $50 billion we are going to spend now on Iraq this year for the occupation.

Our colleagues and a number of them have a rebuild America account for $50 billion to be roads, bridges, economic development, investment in infrastructure to move people and goods and services. We will not find the money for that. Yet we are going to do more deficit financing and burden our country with debt to build $50 billion worth of occupation resources for Iraq.

Mr. DELAHUNT. Mr. Speaker, I think it is important to note that those estimates, and my colleague just used them of $50 billion, are based on what we know today. The reality is, back in April, Secretary Rumsfeld recently acknowledged that the amount of dollars necessary, simply for the military presence, put aside the cost of reconstruction, that estimate has doubled from some $2 billion to $4 billion a month. I dare say that I would not be surprised if 6 months from now we find that that $4 billion estimate has mushroomed to a significantly higher amount.

I think we also owe a debt to the recently retired General of the Army, General Shinseki, who when he mentioned that at least 200,000 troops was necessary to ensure peace and stability in Iraq, that estimate by the General was dismissed, in fact derided, by Secretary Rumsfeld, who mentioned a figure of 125,000. This is beginning to remind me of those CBO estimates, about surplus, of trillions of dollars of surpluses on an annual basis that have turned into deficits as far as the eye can see.

So, again, the number of troops and the estimate of just the cost of sustaining a military presence there is $4 billion.

Mr. EMANUEL. Mr. Speaker, if the gentleman will continue to yield, as my colleague knows, as I think all my colleagues know, as they obviously tried to get answers to how we were going to secure the country, how many allies we are going to have, what was our exit strategy, and it was like pulling teeth to get that. We tried to get answers to the questions how much would it cost, how many troops. Anybody that spoke in the hundreds of thousands were forced out.

Now we are trying to get answers for who put a statement in the President's State of the Union, and we are now ended up blaming the Italians it looks like. First, it was the British. The British blamed the Italians. The Italians say they do not know where the document came from.

The director of the CIA, all the men and women in Virginia have done a wonderful job dedicating their lives to trying to assess information and give our civilian leaders the best intelligence and estimates they have, and

every time we try to get information it is pulling teeth.

Mr. HOEFFEL. Mr. Speaker, reclaiming my time, we know exactly whose fault it was. It is George Tenet. That is what Condoleeza Rice is saying. That is what the Vice President is saying. Everybody's quite willing to blame George Tenet for that information being in the State of the Union that should not have been there. Does anybody in this House or watching throughout America believe that George Tenet alone is responsible?

Mr. EMANUEL. Single-handedly.

Mr. Speaker, if the gentleman will yield, I have written a few or participated in a few of the processes of writing a State of the Union.

In October, this line about gathering uranium from Niger was edited out of the President's speech. The way it works in the White House is that speech is sent around to the NSE team. So State looks at it, Defense looks at it, CIA looks at it, FBI I am sure gets a little clearance through Justice, probably not the FBI, and they check the assignment. There is an editing. The national security staff underneath Condoleeza Rice has to run that process. So the same people that were working on the October speech that dismissed this assessment of Niger was the same group working on the State of the Union. How one person is responsible, that what was a team effort in October but has become a single person failure in January, only 3 months later, when nothing changed, as we would say back in Chicago, that dog just will not hunt.

Mr. DELAHUNT. Do they really say that in Chicago?

Mr. EMANUEL. Periodically, on the northwest side, we have a couple of dogs that hunt.

Mr. DELAHUNT. Mr. Speaker, can I just add to that?

I was interested in the comments that were made by representatives of the administration during the course of the past 3 or 4 days, including the statement obviously by the director of Central Intelligence.

Unfortunately, as my colleague points out, the statements themselves I think create more confusion. There is more ambiguity and less clarity now as to what happened. So while it might be that George Tenet, the director of Central Intelligence, ought to have made a comment about the inclusion of the accusation relative to the West Africa country of Niger, I guess the question is, who put those words in there to begin with? Who put it in there?

I will tell my colleagues what I find. I think the only reasonable conclusion that can be drawn is that we have different agencies or individuals within the agencies that have access to information, that we are not communicating with each other. And that should really profoundly disturb all of us in the aftermath of the tragedy of September 11 because we should have learned from the attack on the United States on September 11 that cooperation and coordination are essential.

For example, the gentleman from Illinois references the President made a speech on October 7 in Cincinnati. There was a reference to the purchase of highly enriched uranium from Niger. During the course of the review of that particular speech, the CIA correctly warned the President not to use that intelligence in that particular speech. Maybe he forgot about that particular process. Maybe he was unaware of it.

Mr. EMANUEL. Mr. Speaker, what I want to try to do is try to demystify this process. It was not like the CIA got the speech and itself edited it out. This is a coordinated process. National security does it, its team. There is a domestic team. There is an economic team. So when the CIA probably said, no, you cannot use this, everybody's eyes in State, Defense, NSE, everybody's eyes saw that it was not valid. That is the same team that edits and previews and reviews the President's speech in January. So everybody who was participatory in the October speech was the same body sitting in the room participating in the State of the Union speech.

□ 2200

I think again people this weekend, for whom George Tenet seems to be wearing the laundry, or they are throwing him under the truck, remember, this was not good enough 2 weeks later for the Secretary of State who said, and I am quoting, ''This is crap, I am not going to use this.'' The Secretary of State threw it out.

We had George Tenet sitting behind them at the U.N. 2 weeks after the State of the Union. They knew it was not good then. If it was not good enough for the Secretary of State 2 weeks after the State of the Union, it was not good enough for the President in October, but somehow it has become good enough for the President at the State of the Union, a speech on the doorstep of a war where the world was hanging on every word.

Mr. DELAHUNT. It is as if the right hand did not know what the left hand was doing. It is as if nobody is in charge. That is the only reasonable conclusion that one can infer from this murky explanation, this passing almost a legalistic argument.

Mr. EMANUEL. Remember, the same people that wrote that speech were participating in crafting this policy, and they have now set out a course of $1 billion a week of occupation, $50 billion a year of U.S. taxpayer money for the occupation and reconstruction of Iraq. Yet when we talk this week about increasing funding for Head Start, we are told no money. Last week when we voted and there was a 6-year freeze put on Pell Grants, college assistance for people trying to open up the doors for higher education for themselves, we are told there are no resources. Yet we will be asked later on to commit resources to the occupation and reconstruction of Iraq to the tune of $50 billion. Yet here at home, we will be told there are no resources for health care or infrastructure.

The gentleman may say that the right hand did not know what the left hand was doing; I wonder if anybody knows what they are planning in Iraq and what they are planning here at home when it comes to our own economic development. The American people from World War II forward have been tremendously generous around the world, and yet they cannot continue to be asked to be that generous when their own needs and hopes and dreams for their own children are being denied, whether that is in the area of health care, investment in our environment, or our own economic development.

I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Illinois (Mr. EMANUEL) have asked some questions not just for rhetorical effect, but which throw some light on some very interesting aspects of this whole dilemma, which the Secretary of Defense says is over with, which the National Security Adviser says we have to move on from. I am asking why. Who committed these forgeries? I keep hearing about it. I keep asking the questions. We cannot get anybody in front of us to answer the questions. Who committed these forgeries? The word ''forgery,'' the phrase is used all the time; but there does not seem to be the slightest inclination to find out what was at stake. Did they appear by spontaneous combustion? Was this an immaculate conception of forgery? I do not think so. There were reasons for it.

Now we see the aspect of the Sunday talk shows. They are very interesting these days. Turn off the sound and watch the eyes and the expressions of the people who are speaking. Just watch that. Get the body language down, and Members will see the tension that is there because they do not want to answer the question who benefited from having this kind of an observation in that speech by the President. It has nothing to do with 16 words or a single sentence. It has everything to do with the reasons behind that being recommended to the President.

This is not an accusation against the President. We are not going to determine that down here tonight as to what the President did or did not do with respect to that speech. The President is having a difficult enough time as it is other than to say it was somebody else's fault. That is something that we can take up with the President when it comes to election time, but that is not the issue here.

The issue here is who and what was behind the insistence that that sentence and that that observation go into that speech. I think the answer is out there. I think what is involved in that answer has to do with who benefited from it.

Mr. DELAHUNT. Mr. Speaker, I think it is absolutely essential that the American people receive the answers to that question and to all the other questions that have been offered. Earlier this evening the gentleman from the other side of the aisle mentioned the talk shows and the statements that are being made have a political context to them.

We have been here, as the gentleman well knows, for 5 weeks posing these questions. This is not motivated by Democratic intent to secure political advantage. If we did not do this, we would be abrogating our responsibility within our system to find the truth. It is about a search for the truth, and I dare say it is now time for the President of the United States and Congress to come together to create an independent commission, not one that has partisan overtones, but one, for example, that served this country well under the leadership of two former Senators, a Republican from New Hampshire, Warren Rudman, and a Democratic from Colorado, Gary Hart, who I think made an extraordinary contribution by a year's worth of hearings, even more, which ended up with a product that tragically predicted what occurred on September 11. We need that because I do not want to hear on this floor accusations about partisanship. This is about the future of America. That is what this is about. This ought not be about politics. Let us depoliticize that now and let the Republican and the Democratic leadership with the White House create an independent commission to reveal to the American people the truth.

Mr. HOEFFEL. Mr. Speaker, I agree with the gentleman; and before we go any further, we have been joined by the gentleman from Washington (Mr. INSLEE), and I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I wholeheartedly concur with the suggestion by the gentleman from Massachusetts (Mr. DELAHUNT) that we need a bipartisan, independent investigation of this. The reason that I have joined this effort tonight, and I have delayed doing so for a few weeks in the hopes that the administration would be more forthcoming about this intelligence failure, but what inspired me to come here tonight are the comments of Condoleezza Rice and Mr. Rumsfeld who said this is the end of the story; we can forget about these issues.

I am here to say this is not the end of the story; this is maybe the end of the beginning of the story. The type of questions that Americans are asking tonight as to how a fraudulent, forged document got into the address of the leader of the free world to the people of this country and to the world and to the House of Representatives, how that happened is just one of the questions. I know many of us have been hearing a lot of talk and dialogue about how that happened. And it was as predictable as rain in Seattle that George Tenet was going to get thrown overboard by this administration at some point. It is amazing it took so long.

The point I want to make tonight is that I do not think we should get seized on whether this was 16 words or 16,000 words. The fact of the matter is that there is a whole boatload of other questions that this independent Republican and Democratic commission needs answered, and I want to pose just a couple.

The first question this commission needs to answer is why was the President successful in convincing over 50 percent of the Americans that Saddam Hussein was behind the attack on September 11 and was in cahoots with al Qaeda when in fact the intelligence had enormous amounts of information that that was not true?

Why did the President of the United States in urging America to start a preemptive war not level with the American people to tell the American people all of the intelligence, not just the selective intelligence? And let me just mention one fact. As reported in The New York Times on June 9, 2003, two of the highest-ranking leaders of al Qaeda in American custody have told the CIA in separate interrogations that the terrorist organization did not work jointly with the Iraqi government of Saddam Hussein according to several intelligence officials. Abu Zubaydah, a Qaeda planner and recruiter until his capture in March 2002, told questioners last year before the war that the idea of working with Mr. Hussein's government had been discussed among Qaeda leaders, but had been rejected. The same statement came from Khalid Sheikh Mohammed, who insisted that the group did not work with Mr. Hussein.

Do Members recall President Bush telling the American people that the two highest operatives in our custody in Guantanamo Bay had told our intelligence services that they had nothing to do with Saddam Hussein? I do not remember that information being disclosed to the American people, nor do I remember the President quoting Greg Fieldman, a former State Department intelligence official, who said, ''There was no significant pattern of cooperation between Iraq and the al Qaeda terrorist operations.'' Intelligence agencies agreed on a ''lack of meaningful connection to al Qaeda'' and said so to the White House and Congress. I do not recall the President sharing that intelligence information with the United States or the world.

Mr. DELAHUNT. Mr. Speaker, I do not know if the gentleman from Washington (Mr. INSLEE) is familiar with the report that was printed last week in The New York Times that a senior intelligence agent, Iraqi intelligence agent by the name of Ahmed Al-Ani was arrested. I imagine the gentleman does remember, however, that some suggested he had met in Prague and the Czech Republic with Mohammed Atta, who was the ring leader in the attack on the United States back on 9/11. That appeared in the media and administration officials said that that evidence held up. That alleged meeting occurred in April 2001, 5 months before 9/11.

Since then, most intelligence agencies, both American and allies, have cast doubt on the credibility of that purported meeting; but it was used by administration officials to argue there was an alliance of some sort between Osama bin Laden and Saddam Hussein. And of course we all know that the rationale for the attack on Iraq was based on two premises: Saddam Hussein had in his possession weapons of mass destruction, particularly nuclear weapons or close to achieving the development or the possession of nuclear weapons, and that he could provide and was purportedly inclined to use terrorist organizations such as al Qaeda for the use of those weapons against the United States.

So that theory, as the gentleman suggests, was crucial, that fact of the alleged meeting was crucial to that particular theory. But again, there is serious doubt as to whether that meeting occurred.

It is interesting to note that both the FBI and the CIA investigated and could find no evidence whatsoever that at the pertinent times did Mr. Atta leave the United States to go to the Czech Republic for that meeting. However, it did serve the purpose of creating a sense of urgency that quick action had to be taken against Iraq.

Mr. EMANUEL. If the gentleman would yield, I would say there is a very legitimate need to look into and acquire through the rearview mirror how did we get to this point, what were the justifications; and I too want to add my voice, although there has been a lot of controversy over the weekend about how did the sentence get into the President's speech. It is very important that we not lose sight, now that we are there, how was it that we had no plan for this occupation.

Time Magazine reports that NATO allies, important allies who have been with us in Afghanistan and other missions in Bosnia and Kosovo, will not join us in Iraq. They do not see a U.N. legitimacy for the effort or plan for the occupation. There are important countries who have traditionally been shoulder to shoulder with America, were in Gulf War I, were in Bosnia, Kosovo, Afghanistan, every U.S. mission to free the world of a tyrant of some nature, have decided not to join this effort and will not postwar join this effort.

□ 2215

So as we look back, I think it is important to look forward. Again, I would remind my colleagues that in our plan for the reconstruction of Iraq we cite 20,000 units of housing for Iraq, yet the President's budget has 5,000 units of housing for America.

The President's reconstruction of Iraq calls for 13 million Iraqis, half the

Iraqi population, to get universal health care. Yet 42 million Americans work full time with no health care and no plan for health care by this administration.

There are 4 million Iraqi children who will be provided early childhood education. This week on the House floor we will debate the Head Start bill. 58,000 children in America will be cut from Head Start. 1.2 million will never be given the opportunity who are eligible for Head Start to go to Head Start.

12,500 schools in Iraq are planned for reconstruction and rebuilding with all books and supplies. Yet here in the United States, teachers must take out of their own salary the wages to pay for books and supplies. We have to give them a tax credit to reimburse them what should be provided by the school authority.

The Umm Qasr port in Iraq is built from start to finish, from top to bottom; yet the Corps of Engineers is being cut by 10 percent here in the United States.

So as we rebuild Iraq, we reconstruct Iraq, America is in the process of its own deconstruction. If we do not have an economic plan for America that is beyond what has been provided and we do not have a plan for Iraq's reconstruction that includes our allies, I would remind my colleagues that in both Bosnia and Kosovo, we had a plan for the occupation and we had allies. The two things that are missing today, a plan and allies.

Mr. ABERCROMBIE. The gentleman's analysis brings forward again the question then: Who benefits from this reconstruction in Iraq? While we cannot have schools built in this country, while we cannot have hospitals paid for, when we cannot get health care for our people, who benefits? Who is getting the contracts for this? Who is getting the no-bid contracts? Where is the money coming from? Supposedly from the oil revenues. Oil revenues then will be passing right out of Iraq and down to Texas, to Haliburton Company, to some of the other construction companies that are benefiting from hundreds of millions of dollars that are now being allocated into their pockets directly for this reconstruction, not in the United States but in Iraq.

Mr. EMANUEL. My colleague asks who is benefiting. I do not have the answer to that, but I do have the answer for who is paying. That is the United States taxpayer.

Again, I want to remind our colleagues, for 60 years the American people have showed their unbelievable generosity. Every time they have been called upon to serve or to contribute, they have done it. Yet this is the one time in history that while we deny American people the access to education, health care and improved investment in their environment and economic development, we are asking them to call forth in a tremendous effort not seen since World War II to make an investment in another country's economic future when we have told them to shorten the horizons for their own children, to shorten their own homes and dreams for what they can provide their family. Yet we are calling upon them to once again show their generosity to Iraq that talks about a health care plan, an economic development plan, an education plan for Iraq and yet those same agenda items that we talk about here at home, we do not have.

As we know, a number of my colleagues have signed on, I have my own bill called the American Parity Act that says whatever we invest in Iraq, whatever goal we set in Iraq, we have to set here at home equally. Whether that comes from half the population getting health care, half the schools being reconstructed and modernized, teachers being paid, 4 million kids in early childhood education, reconstruction of a port for economic development purposes, we have got to do that agenda item here at home. Otherwise, the generosity of the American people showed over the last 60 years will come short and rightfully so.

Mr. HOEFFEL. I thank the gentleman from Illinois for pointing out the inconsistency of our admirable generosity to those overseas and our moral obligation to help rebuild a nation, a country that we had to use military power against but our failure to live up to that same moral obligation to our own citizens.

Let me ask my colleagues to respond to what we would like to see happen in Iraq. There are 8 or 10 or 15 things perhaps that we might recommend. I would suggest one, and perhaps my colleagues can make further comment.

I think we need to start with a full explanation by the President of his vision for what is happening, for the costs that he believes will be necessary to complete the reconstruction, the timetable for that, the number of U.S. military forces that would be needed.

The President needs to come clean. He has a growing credibility gap in my view because of the use and possible misuse of the intelligence leading up to the war, the statements made with such certainty that we are now learning the White House was being advised by intelligence agencies that things were not so certain at all and by the fact, as we have commented earlier tonight, that since the President, as our colleague from Illinois says, flew onto that aircraft carrier and declared victory, that 30 American soldiers have been assassinated and 84, as the gentleman points out, have died in some fashion since military victory has been declared. We need to know what the President thinks. We need to know what he believes will be necessary. He has got to tell the American people what is coming. That would be my suggestion for just a fundamental need.

Mr. EMANUEL. I want to say one thing before I have to go, and our colleague from Massachusetts noted this. That is not a different question than the Republican Senator, RICHARD LUGAR, had asked, the head of the Foreign Relations Committee. This again, I think it is important, we have people with different views on the war, but these are questions not from Democrats and Republicans, these are questions as God-loving and people who love their country who want to see America in front of the world stand tall are expecting. So the question you asked again is not a Democrat trying to get partisan political gain, it is a question that the Republican Senator, chairman of the Foreign Relations Committee, asked, questions that another Senator, Republican from Nebraska, equally asked. This is not inquiry for political gain. We all now, regardless of party, are vested in our success and bringing as many of our men and women home as we can safely as soon as possible.

So your question I would also like to note so nobody who may tune in and turn on the television right now and think we are trying to get partisan or political advantage, note that these are similar questions that Republicans have asked, people of all stripes, from all backgrounds and all economic incomes and regardless of their political affiliations saying we need to get level here. Where is it we are going? How are we getting there? Whether it is an inquiry to what happened in the past but also an inquiry into the future. These are not Democratic questions. These are questions that people who love their country think need to be answered.

Mr. ABERCROMBIE. Again in furtherance of what the gentleman from Illinois has indicated and others here this evening, these are the same questions that many of us asked of President Clinton. This is not something that has suddenly sprung into being. And they were asked in a bipartisan basis, too.

My colleagues will remember that some of us, Republicans and Democrats alike, had these same questions for President Clinton with respect to Kosovo, with respect to the activities that took place in the Balkans. We had these same questions of ourselves as to what was expected of us. I think that as a result, what the gentleman from Pennsylvania (Mr. HOEFFEL) has indicated is perhaps a start for us in terms of the questions that need to be asked, I think, needs a bit of reiteration.

I find it very strange that when President Carter was in office, people in the media, particularly Nightline, would come on every evening, day 292 of the hostages and the number of hostages that were still in Iran, on day 292, three, four, five, 300, whatever it was. Yet we go now to casualties, deaths, we are not talking about those that are maimed, and this casual dismissal by some of the, I am sorry to say, some of the highest officials in the administration now of, well, this is all over, intelligence changes from day to day. You

never know what it is from day to day, this almost sarcastic dismissal of these questions.

There are young people out at Walter Reed right now who may not have been killed, a casualty in that sense, but they are surely there as casualties, with loss of limbs and a lifetime in front of them of having to deal with the pain and suffering of grievous wounds. Perhaps Nightline might take up this idea. It is day, what number, since the President said that the war was over.

This is not something that we said. This is not something that other people said. This is something the President declared, and some of us have been challenged on our patriotism and challenged on our support for troops because we are not sufficiently quiet, because we do not acknowledge that the so-called ending of the war really ended.

It does not end when somebody dies. It does not end when somebody is grievously wounded. It does not end when a parent or loved one has to try and understand and we have to explain when we go home why the war is over but the killing goes on and the maiming goes on.

So I think we are going to need to have some accounting as to how many days past the end of the war the killing and the maiming goes on and what those numbers are. Because those numbers are real. They are not philosophical abstractions. They are not merely the recitation of numbers from an Office of Management and Budget or a Congressional Budget Office, some entity, some institution that has no reality to the mothers and fathers and the loved ones of those who have to bear the brunt of the policies that we in the government of the United States are bringing forward to the people of the United States as being in the strategic interests of this Nation.

So I think that the questions that are being asked are not just questions about the past and how something happened but to try and understand what took place in the past so that we do not continue to make the same mistakes and the same observations that lead to this kind of grievous result.

Mr. DELAHUNT. The gentleman indicated that some, and very few, have questioned the patriotism of those who ask the questions that are being posed here tonight. It is my feeling and my position that it would be a failure, it would be unpatriotic not to pose these questions. And as others have indicated, this is not about partisanship. None of us here tonight and in the course of the past 4 or 5 weeks have indulged in partisan sniping. But I do believe that the President is at a particular moment in terms of his administration that he should intervene and stop the sniping that is occurring within the administration, among individuals and agencies.

I mentioned earlier that a senior Iraqi intelligence agent who was arrested last week, who purportedly had that information meeting with Mohammad Atta, in that same report in the New York Times there was an attack on the CIA by Mr. Richard Perle who currently serves on the Pentagon's Defense Policy Board. I know the gentleman from Hawaii is aware that he resigned as chairman of the board because of potential conflict of interest concerns that he had since many of his private business clients stood to profit from contracts dealing with the reconstruction of Iraq.

It should be noted that Mr. Perle is considered a leader among the so-called neo-conservative bloc in the administration. He also has close ties with certain Iraqi exiles, such as Ahmed Chalabi. And it is true, and this should be stated very clearly, he advocated in an article that he wrote for the New York Times shortly after September 11 that the U.S. must strike at Saddam Hussein. So he is clearly predisposed towards the policy that was effected by this administration. My understanding is he was one of the most significant proponents of the war in Iraq.

Now, however, with the capture of this individual, Al-Ani, he fears that if the CIA conducts the interrogation that they will play down evidence that the alleged meeting with Mohammad Atta ever occurred. With all due respect to Mr. Perle, that is a very serious charge that impugns the integrity of men and women in the CIA that risk their life in behalf of their country every day of the year.

Of course, the CIA properly responded in my opinion that they need to be presented with something other than the opinions of Mr. Perle and his suspicions; and they claim, and I have to agree, that he sounds to be more predisposed to a certain conclusion than anyone they are familiar with.

□ 2230

This quote that I read was he is just shopping for an interrogator who will cook the books to his liking. We cannot have that sniping going on. It is time for the President to take charge and to intervene, be forthcoming, reveal all of the information. Presumably the interview with Mr. Al-Ani has occurred already. Let the American people know. Maybe he did have a meeting with Mohammed Atta; maybe he did not. But it is time to let the American people know.

Mr. INSLEE. Mr. Speaker, I want to answer the gentleman from Pennsylvania's (Mr. HOEFFEL) original question about what we should do in Iraq now, with two points.

One, I think it is important for the President to clear the decks to restore our credibility on this issue because our ability to act in Iraq is negatively affected by this credibility issue, and many of us believe and I believe that the best thing the President could do in that regard is to embrace a bipartisan review of the intelligence failure here. Having a respected Republican like Warren Rudman or someone else run a commission to have sort of a referee to figure out what happened here is a lot better than to have the flacks at various agencies throwing grenades at each other in the newspapers.

If we really want to find out here why forgeries ended up at the State of the Union address, why we did not get the straight scoop about the intelligence coming out of Iraq, why the President told us there was no doubt, and that was his word, no doubt that Iraq had some of the most lethal weapons ever devised by man and we cannot find a thimbleful to date of mustard gas, the best way is through an independent commission; and this is good for the administration, not just good for the people. And this is not a debate. We may find some of these weapons to date. That still may occur. This is not a debate even about the propriety of the war. Even if one thinks the war was justified about humanity and civil rights in Iraq, they have still got to join us in a bipartisan belief that truth from the American President is the most precious commodity we have in international affairs. We have all got to be joining that in a bipartisan manner; so I say clearing the decks first.

But the second issue, if I can, it is just imperative that we engage allies in this effort, in this maybe 2-, maybe 3-, maybe 4-, maybe 5-year effort to restore order and some sense of civility in Iraq, and I would encourage the administration to shuck aside its unilateral approach that unfortunately they have adopted for so long in Iraq and welcome our allies to get in there to shoulder some of this burden. Iraq is not a prize. It is not a glorious prize for the American people. It is a burden. We still have people not coming home from Iraq, and that burden ought to be shared with every nation in the civilized world rather than just Americans. And to date, unfortunately, this administration still has not been willing to embrace allies to get them in there taking sniper fire instead of our neighbors' kids, and I hope we will see it that way.

Mr. DELAHUNT. Mr. Speaker, it is time to pick up on that to end grudge diplomacy. Let us get past that. Let us move on. Let us understand that the only way we can bring stability to Iraq without breaking the bank and without putting at risk the lives of American military personnel is to bring in our traditional allies, whether they be the Germans or the French. Let us put that in the past. Otherwise, we are going to see these deficits that I referred to earlier balloon into numbers that will absolutely be a drag of incredible magnitude on the American economy.

Mr. ABERCROMBIE. Mr. Speaker, on that point in reference to what the gentleman from Washington (Mr. INSLEE) said and the gentleman from Pennsylvania (Mr. HOEFFEL) observed to kick off this discussion, as the gentleman from Pennsylvania (Mr.

HOEFFEL) can see, his question was so pertinent that we have not gotten much further in it, and for good reason, because it requires some explication. The problem is here, if we do not do this, is a credibility gap. What will the President be able to say about North Korea? What will he be able to say about the Philippines? What will he be able to say about Colombia? What will he be able to say further about Afghanistan?

Afghanistan seems to have disappeared; yet I know there were two attacks yesterday, one on the American base and one on U.N. personnel. I do not believe anybody was killed, but who knows? Now we are told there are more attacks in Iraq than necessarily are being reported. I suppose that gets quotidian now. If they are on the 11 o'clock news at night, they have got fires to report, they have assaults to report or basketball players or the latest boxer to embarrass himself or something of that nature. They hardly have time to fit in anymore how many people got killed today. It is almost a loss leader in the news.

And so if we do not have some answers here, if the President does not take control and stop being dismissive of these questions as merely revising history or some other sarcastic observation, he is not going to be able nor will the administration be able to convince others who may find it in their interest to join with us in other circumstances. He will not be able to find anyone who is going to be willing to take us at our word. That is why this is so serious. It is way beyond partisan. Other people will occupy these seats down here. Other people will come to occupy our place. We are here only as long as the faith and trust of the people in our constituencies are willing to put us here. No one owns a seat in this Congress. No one owns a seat at 1600 Pennsylvania Avenue either. We are only as good as the credibility with our own people before we can hope to influence others.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I think our time is getting short. Any final comments from the gentleman from Washington (Mr. INSLEE) or the gentleman from Massachusetts (Mr. DELAHUNT)?

Mr. DELAHUNT. Mr. Speaker, I will just follow the gentleman from Hawaii (Mr. ABERCROMBIE) by saying that when I first heard the President in response to attacks on U.S. soldiers in the way that he does suggest bring them on, I remember wanting to say to the President that what we should be doing, President Bush, is to bring allies on to this coalition and make it a genuine coalition of democracies to assist in terms of the reconstruction so that American taxpayers do not bear the burden almost exclusively and that American men and women who have served admirably can come home.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I thank the gentleman from Hawaii (Mr. ABERCROMBIE). The Iraq Watch is going to be hard at work. I thank my colleagues for being part of this. We will be back next week to ask more questions, to seek more information, and to try to better educate our colleagues in the Congress and the American people regarding the challenges of our role in Iraq.

CRITICAL ISSUES FACING AMERICA

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for half the time until midnight, approximately 40 minutes, as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I first of all want to start off my comments tonight by saying I guess I am pleased to say and proud to say that there is a young man that I want to pay tribute to for just a moment, and his name is Randy Gifford. He is in California right now. He has had a number of really very exciting things happen in the near past because one is that he had his first child. He and his dear wife have given birth to a young boy by the name of Gabriel, and that was just the beginning of a lot of really good things that have been happening to them recently; and in fact I just found out a little bit ago that he had his first film, the first film that he has written and directed accepted to be debuted at the Breckenridge Film Festival in Colorado, and I have no doubt that this talented young man will soon be looking back at this particular accomplishment as the first step in a journey that is going to be a very successful one and one that he can look back on with great pride. I look at it with great pride because he is my son.

I wanted to discuss a number of things tonight, and so many issues come to the fore, so many important decisions need to be made by this Congress and so many challenging issues confront us that it is hard to pick from this panoply of different agendas which one we should focus on. I certainly will talk about immigration. It is always a topic that I think needs to be discussed and needs to be dealt with in the light of day, but before that let me just talk about a couple of other things.

And I listened to my colleagues on the other side tonight discuss their concerns with regard to Iraq, and really a lot of what they said boiled down to a concern, I guess, over the veracity of the administration and whether our goals, the goals of the United States as set out by the President of the United States were legitimate. Was the President being truthful? Was this some sort of scam, I guess, that was being played on the American public? To actually put men and women of this country, our young men and women who serve us so well in the Armed Forces, would we really place them at risk if we were not sure, if we did not believe with all our hearts that the vital interests of the United States were at risk? And I certainly understand that there can be questions about the authenticity of information that we received, whether or not the information that was received from all the various sources from which we gathered information were legitimate and what weight we should have put on some sources and some decisions as opposed to others. All that is of course legitimate fodder for discussion and debate.

At a certain point it does sound, as I listened to my friends on the other side talk about this issue, that there is something that motivates them that perhaps goes beyond that desire for a legitimate understanding of exactly what happened and what were the circumstances that brought us to where we are today. I must admit to a certain extent it does seem like what is underlying the rhetoric is an overwhelming desire to find something wrong, to find something out that is bad, that is negative, that would perhaps lead to some sort of political change in this Nation, and that at some point in time it does sound to me like that desire supersedes all of the other desires and that the quest for legitimate inquiry is left behind in the dust and the desire to make political hay takes hold.

And there is so much that can be said, and there are so many little technical points here and there; and I think that the administration and especially Secretary Rumsfeld, who I saw on television over the weekend, had done such a great job in explaining in very simple terms, in very common sense ways, in very honest analysis what we believe to be the case, how we got the information we got, how that information led to a series of decisions that eventually meant a commitment of U.S. forces in Iraq.

By the way, those of us who are in the position having to vote to support that decision, none of us come to that place, I think, easily. Certainly I know I did not. I do not think there is a Member of this Congress, frankly, who cavalierly cast a vote on something like that. And all of us wonder, and certainly I do, whenever I have to cast a vote to send someone's children off to war, I have to think about whether or not I am willing to send my son Randy or his brother Ray, and this is the highest possible standard I can imagine for any of us; but it is the standard we should all use because of course it is perhaps somewhat easier to vote to send someone else's children off to war than it is one's own; so we have to think about this very carefully: Am I willing to do this? Are the risks to the Nation so great that we would actually commit our forces?

□ 2245

I believed, and I still believe, that the risks were that great. But it was not easy. It was not easy. Because I do not

for a moment think that American power should be projected around the world in a cavalier fashion; and I believe that, for the most part, this country, under this President, has committed American troops only after it became apparent that that was the only option available to us and that it was in the pursuit of legitimate and laudable goals, both in the defense of the United States and the liberation of the people of Iraq.

Interestingly, we see e-mails from the troops on the ground in Iraq, we see alternate sources of news, I guess I should say, on the Internet and even some of the popular media that portray a completely different picture of what is going on in Iraq today than what the popular media portrays. Every day the popular media suggests that things are falling apart in Iraq, that our involvement there is not turning out to be a positive thing. And certainly, every day, the most unfortunate news that we receive is that some American has either been hurt or wounded, hurt or killed in Iraq, and this is, especially to the family of those folks who have been wounded or killed, this is the ultimate in the sacrifice that this Nation has made and has asked them to make. So for them, it is everything.

We must, however, try to put it in perspective and understand what it is that we are trying to gain, what it is that we are trying to do there and who the enemy really is. And that is a very, very wide-ranging question, who the enemy really is and what it is we are trying to accomplish.

But I think that the goals were laudable. I believe that our President operated with the best information available to him and made a decision and, although a very difficult one, I believe he made it with his heart in the right place.

Not too long ago, Mr. Speaker, I heard of an exchange between Secretary of State Colin Powell and the Archbishop of Canterbury; and, in a way, I think this exchange sums up in a very succinct way what it is that motivates America today and what has motivated America for most of its history in terms of any sort of foreign policy goals. I think we can be proud of what it is that we have either accomplished or are trying to accomplish. Because it is not for territorial gain. It is not for any sort of economic gain. It is not for that that America extends its power around the world, or projects its power around the world, or risks its men and women. And in this exchange that I mentioned, I think again it characterizes it better than I ever, ever could in any other words.

The Archbishop of Canterbury said to Secretary of State Colin Powell, and I am having to paraphrase here, because I do not have the exact quote, but it was very close to this. He said, isn't it true, Mr. Secretary, that the war in Iraq is nothing more than a desire on the part of the United States to extend its hegemony around the world and to maybe even, as an imperialistic power, gain control of other lands and places and people? And Secretary of State Powell said, Archbishop, you know, over the last hundred years or so, the United States has sent its young men and women off to defend freedom in far-off lands all over the world, and many of them did not come back. And the only thing we ever asked for in return, he said, the only land we ever wanted in return for that expenditure of our blood was the land necessary to bury the folks who did not return. And I think that is the truth about America.

I think that it is something that we can be proud of. It is unfortunate that lives have to be expended in the quest for our own peace and security, but that is the nature of this world. I do believe with all my heart that we are in another very, very dangerous and very challenging battle, and it may be called a clash of civilizations. I happen to believe that it is. There are many people who would challenge that, I am sure, and want to characterize what is happening is as just a series of small engagements here and there brought about by individuals who have ''hijacked a religion.'' I believe it is more serious than that, and I believe that the battle is bigger than that. I believe it is a clash of civilizations.

I believe western civilization is, in fact, at stake. The values, the principles that we stand for are being challenged around the world, and they are at risk. And it is extremely important for Americans to understand what is at risk and why we fight. Because if it is not for what I have just said, then the fight may be in vain and lives expended for naught. But if the fight is for what I suggest it is, then it is worth the endeavor. It is even worth the thought that we have to send our own off to war.

Now what worries me about the kind of discussion we have had on the floor tonight and has been happening almost every week certainly for the last several weeks by members of the other party is that in a way, as I say, to the extent that they are trying to simply make sure that the decisions that were made were good ones or what information we may have made those decisions upon was faulty or good, all of that is appropriate, and I do not for a moment suggest that it should not be a discussion on the floor of the House. But after a while it begins to play into the hands of those people who, in fact, do hope for the demise of this civilization and of our country in particular, because we represent its best and brightest hope.

So it is important for us, after all the rhetoric is done, all of the partisan snipes have been made, sniping has been made, that we revisit this basic underlying fact: that there is a challenge to the United States of America and to western civilization. It is posed by radicals, Islamists, people who cannot see a world in which they can coexist with western ideals, the ideals of individual freedom, the rule of law, and the ability for men and women to select from whatever they want to select from to follow, the dictates of their heart when it comes to a religion that they choose to adhere to. These things are true. The evidence is there. Thousands of Americans are dead in this battle and are dead at the hands of the people who are trying to accomplish what I have just described, the overthrow of western civilization and of the United States in particular.

So please keep that in mind. Let us put this in perspective. The threat is real. The challenge is enormous. And it is incumbent upon every one of us to tell America what is at stake. It is incumbent upon every one of us to talk about the values that we should cherish and, for the most part, do cherish. It is incumbent upon the President and the Members of this body to tell the American people that there are things, in fact, worth defending, that there are principles worth risking life and limb for. And this thing in Iraq, this battle in Iraq is just a battle in a war, a war that is going to be fought for a long time, a war that will claim many more lives, unfortunately, and depressingly.

But that is the truth, and not facing it head on leaves us open to a very, I think, corrosive sort of influence that I hope we can avoid. Because, in fact, as I say, the stakes are great. The risk is great. So it is important I think for us all to put that into perspective when we listen to the rhetoric of our friends on the other side of the aisle.

Western civilization and America in particular is worth fighting for. It is worth saving. It is the best and greatest hope of mankind, I believe. And people should be willing to say that here on this floor and from the White House and in the media. It is worth fighting for.

Now, let me go on to several other topics, if I could. When we talk about what is worth fighting for and where to commit American troops, there is another issue that is developing right now and it is the debate over whether or not we should be sending troops to Liberia as ''peacekeepers.'' Well, there is not a lot of peace in Liberia to keep right now. We would have to create it. This is the difference. I mean, we have to ask ourselves. This is the question that I think is incredibly legitimate: What are the vital interests of the United States that are at stake in Liberia? Is it a place of great human rights abuses? It is undeniably that. Are there places throughout the world where those abuses are just as great if not greater? Undeniably so. Are there places on the African continent where human rights abuses are even greater than in Liberia? Absolutely so.

I think, of course, immediately of Sudan, a country with which I have some intimate knowledge, having traveled there, having been the sponsor of the Sudan Peace Act and having committed as much as any other Member

of this Congress to bringing an end to that conflict in that war-torn nation. But never in the discussion of the problems in Sudan did I ever suggest putting American troops in there because, of course, I could not see that, in fact, it did rise to that level, that it rose to the level of a situation that placed American vital interests at stake. I want to do everything I can, everything possible to bring an end to the conflict there and an end to the conflict in Liberia. But American troops I do not believe should go there.

I do not believe that American troops should have been used in Bosnia. I would not have voted for it. I must admit to my colleagues that I believed it was an adventure that we should not have embarked upon, even though there were horrendous atrocities there. I did not see where it was in the interests of the United States. What was the threat from Bosnia to the United States? I do not believe it existed. And do we do what we can to help logistically? Do we send materials? Do we send aid? Absolutely. I think that is a laudable goal, again. But it does not rise to the level that I mentioned earlier, which is what I need to tell me whether or not I will vote to send American men and women and/or my own children off to war.

So I hope we do not commit troops in Liberia, Mr. Speaker.

□ 2300

I hope that we will do what we can. I hope we will provide what we can to the members of the African Union, or to ECOFS, the Economic Community of African States. I believe we should, in fact, do what we can to support them logistically, but I do not believe that troops are necessary there or even would be a good thing for the region.

Today as we see over and over again by reports continually coming back to us even though there are people today in Liberia saying that they want Americans there, many of those same folks would, I fear, in a short time be saying that they want Americans out and be doing things in order to effect that eventual end. So I want an end to the fighting. I want to do what we can. I would not sends troops there, and I hope we do not.

Now, that is the kind of foreign policy discussion and I could certainly go on at length about each one of these things, but because this is that hour where we sometimes have to share the last hour with another speaker, my time has been cut in half so I want to get on to two more things, and these are on the domestic-policy sides of things. I wanted to really make a couple of comments about some things that are happening that are, I think, again, worthy of note and certainly issues that are becoming quite controversial in the United States.

Now, we have had a lot of discussion recently about a new provision for Medicare that adds $400 billion or so, it could go up to what those people suggest is a trillion dollars in cost, to add prescription benefits to the Medicare plan. And I am a ''no'' vote, and I do believe that it is not the right thing to do. I do not believe we should expand this program.

I believe that Medicare itself is a program that is in desperate need of reform and the amount of reform that comes with the bill that we talked about earlier, that we passed on this floor earlier, the amount of reform is rather small. The amount of mandates for a new program, mandatory spending is really high. I just do not think it balances out, but I think there is a way to achieve a reduction in the costs of prescription drugs for every senior in the United States and that is to allow reimportation.

What does that mean? It means that in Canada and Mexico and other countries around the world, drugs are being sold, exactly the same drugs are being sold at much lower prices than any American is able to buy them at their drug store or pharmacy. So how does that happen?

It happens that the countries on both sides of the United States have laws that restrict the amount that can be charged for drugs. And so you say to yourself, well, then why are the pharmaceutical companies selling drugs in those countries? Well, they are making a profit they say, but not enough of a profit to support all of the research that needs to be done and all of the advertising that is being done on television in the United States to push their drugs.

Well, I must tell you that I think that is not a legitimate excuse for having the cost of one drug be $1 in one country and $20 in the other for a single pill. And I want to let the market dictate the actual cost of the drugs and the profit to the companies, and so I would allow for reimportation.

Well, let me tell you what has happened recently. The pharmaceutical companies have put on a full court press here because the possibility is that this idea of the gentleman from Minnesota (Mr. GUTKNECHT), he has been the primary sponsor of this concept for quite some time. And because it is finally coming to the floor, it is finally raising up to a level where people can begin to think about the possibility of it passing, the drug companies are going ballistic. And they have gone out and sought out all kinds of friends that would not have necessarily thought would have been supporters of their side of the coin.

Earlier this week, the Traditional Values Coalition, an organization in which I am certainly familiar and in the past have been supportive, they sent out a letter stating that the passage of this Gutknecht bill I was telling you about, the drug reimportation bill, would effectively repeal the prohibition on mailing abortion products around the world.

Now, they say that it would allow abortion-inducing drugs to be mailed from international locations to individuals in the United States who are not pharmacists or doctors. These unscrupulous individuals would then be free to mail these abortion-producing drugs throughout the Nation to our daughters without parental knowledge.

This is a direct quote from the mailing that went out from the Traditional Values Coalition who I believe, I must tell you, Mr. Speaker, I believe they have been co-opted here. And I just wonder to what extent they have actually benefited as a result of their decision to come in in opposition to the reimportation bill. Have they benefited financially? I would like to see whether or not this has been the case, because my hunch is they have.

These mailers were sent out in en masse in a congressional district of a number of Members, myself included, who are and have always been and will continue to be staunchly pro-life. I have a 100 percent voting record on pro-life issues.

The gentleman from Minnesota's (Mr. GUTKNECHT) bill, which the Traditional Values Coalition has characterized as the Abortion Drug Importation Act, is a pharmaceutical market access bill, completely separate from other Federal laws which govern the administration and distribution of specific drugs. In fact, if the Gutknecht bill passes, RU–486, the abortion bill, will still be governed by the same distribution regulations it currently falls under. The idea that under the Gutknecht bill pregnant teenagers would be able to mail in for a bottle of RU–486 pills as if they were aspirin is political scare-mongering of the worst and lowest kind.

Now, I have seen the disinformation mailings that the Traditional Values Coalition is sending out. And in addition to being ridiculously disingenuous, they are also very slick, very expensive, which begs the question: Who is really behind these efforts? The Traditional Values Coalition has obtained huge pro-life voting lists which have to be purchased to be used by other groups, and targeted conservative pro-life Members who are in competitive races. Their tactics are reprehensible, immoral, unethical, and belie the name of the group. In fact, their actions represent anything but traditional values.

There are, in fact, legitimate arguments to be made both for and against the merits of reimportation, but it is ludicrous to suggest that it is somehow an abortion issue. I simply wanted to bring that to the attention of the body tonight, Mr. Speaker, because I believe with all my heart in the concept of, I am a pro-life Member of this body and I believe in protecting life at its earliest beginning, at conception. And I have voted that way, and I want that to be the culture of this country; I want us to be a pro-life Nation. And I worry that actions like this taken by the Traditional Values Coalition actually hurt that effort because it places the coalition, I think, in a light that it

should not be seen in, does not want to be seen in.

I think it implies that they are willing to actually profit from the discussion of this, and they want to profit even if they have to fudge the facts a little bit. And it does not help them, and it does not help our cause. So I am going to join with other Members of the pro-life coalition in the House of Representatives to denounce this activity on the part of the Traditional Values Coalition and to say in no uncertain terms that this kind of lobbying is absolutely unacceptable, and it is certainly at the least disingenuous.

That is the first of the domestic policy issues. And then I suppose to no one's surprise, the final domestic policy issue with which I want to deal tonight is, of course, immigration. I want to spend a little time, the remaining time I have, as a matter of fact, on the discussion of one specific aspect of immigration and that is the toll that massive immigration is taking on the jobs of Americans, both low-skilled, low-wage jobs and high-skilled, high-wage jobs, spending a little time on the latter, H1B visas in particular.

H1B visas, I will be using that term quite a bit, and let me explain what that means. An H1B visa is simply a category of visa that we hand out to people all over the world so that they can come to the United States for a specific purpose. In this case, the H1B visas were created specifically for sort of high-tech or white collar workers who were ostensibly needed in the United States because that industry was growing, as you recall, the bubble was expanding dramatically and everybody and their brother was making money at it; and there was a lot of employment and many of the firms came to us, many of the very high-tech firms came to this Congress and said, we have to have more people. We cannot fill the jobs we have here in the computer sciences, computer technology, high-tech jobs; we cannot fill them with people coming out of our colleges because there just are not enough.

□ 2310

There are not enough of them so we need to go outside the country and bring people in here for a certain period of time until we can actually fill the job with an American citizen, and so Congress responded and created something called the H–1B visa. It was expanded in 1999 when the Congress raised the cap to 195,000 a year from its previous level of about 65,000.

In 2000, Congress enacted the American Competitiveness and Workforce Improvement Act which expanded the program again, contained few protections for American workers. Congress was persuaded at the time that there was a critical shortage of computer scientists, software engineers and programmers.

Even if that were true and I would tell my colleagues that now we are finding out that maybe that was not as accurate as we had hoped, maybe some of the testimony that was provided by companies like Sun Microsystems when they testified to the Senate and said that they really needed these people and that they would never displace American workers, apparently it sort of I guess was not true. They are now saying, no, that they did, in fact, replace American workers and did so because essentially foreign workers will work for less.

Whatever was the case in 1998, 1996 in terms of the need for this particular program, no shortage exists today in the program. No program shortage exists in terms of the supply of labor for the high-tech industries in America, does not exist. It is not there. No one can suggest that there are no American workers today who are seeking jobs in the high-tech field because we know that that is not true.

We know that as a matter of fact that the area that has been hit hardest by the drop in the dot com bubble, the burst of that dot com bubble I should say, where unemployment ranges maybe 7 to 7.5 percent, there is massive unemployment and underemployment of American workers in the computer field.

The number of H–1B visas is supposedly limited by a cap, but that cap is often exceeded through loopholes and extensions, and beginning in 2000, all universities and nonprofits were exempted from the cap. In 1998, the cap was supposed to be 65,000. Do my colleagues know how many actually came in? Two hundred and five thousand. In 1999, the cap was 115,000. Do my colleagues know how many we took in? Two hundred and thirty-four thousand.

In the year 2000, the cap was 115,000. We took in 294,000. In 2001, the cap was 107,000. We took in 384,000. In 2002, when the cap went to 195,000, we took in 294,100. In 2000, Congress added an exemption for universities and nonprofits. As I say, in the 2 years of 2001 and 2002, 342,000 H–1B visas were issued in this category. If we add to this number the number of visas already issued not yet up for renewal, it is clear that there are well over 600,000 H–1B visa holders employed in 2002.

There are a number of problems with the program as it has been operated since it was expanded in 1998. Do we need the program? Is the program based on valid analysis of real labor market conditions? I would say it is not adequately tied to demonstrated labor shortages in the fields of computer science and technology. In fact, in 1996, the Department of Labor's Inspector General found that the program does not protect workers' jobs. It allows aliens to immigrate based on attachment to a specific job and then shops their services in competition with equally or more qualified workers without regard to the prevailing wage.

All of these things they are supposed to not be able to do. They are not supposed to be able to dislocate any American worker. They are not supposed to be able to pay anything less than the going wage, but in fact, it has happened continuously and indiscriminately.

The Department of Labor's certification program does not meet its intent of excluding foreign workers when qualified, willing, U.S. workers are available. In 2000, a report by the National Research Council concluded that there is no analytical base on which to set the proper level of H–1B visas and that decisions to increase or reduce the cap on such visas are fundamentally political.

Continuing cries of shortages come from high-tech industry lobbyists, yet academic and government studies fail to find evidence of any shortage. A National Research Council report in 2001 concluded that the H–1B visas have an adverse impact on wage levels. According to estimates among professionals in the field, there are at least 800,000 unemployed and underemployed computer technicians and programmers in the United States of America. Could it be that there is a relationship between this number and the 1,300,000 plus H–1B visas now in this country?

The U.S. Bureau of Labor Statistics report that unemployment among electronics engineers has soared to 7 percent. Among computer hardware engineers the rate is 6.5 percent. The Institute of Electrical and Electronics Engineers says that these employees lost 241,000 jobs over the past 2 years, and computer scientists and systems analysts lost 175,000 jobs.

One of the Nation's leading academic experts on the computer science industry, Dr. Norman Matloff of the University of California at Davis, has demonstrated that there is no shortage of U.S. workers to fill these jobs. A UCLA study cited by Dr. Matloff shows that H–1B workers are paid 30 percent less than comparable Americans, and a Cornell University Study found that this difference is 20 to 30 percent.

Remember, this was started out to be a temporary program. It was supposed to be a response to a temporary labor shortage in the computer science industry. Yet, by its structure, it has become a way for foreign workers to enter our labor market and then take up permanent residence.

The 3-year term of the H–1B visa can be renewed for a second 3-year term for a total of 6 years. After 3 years, the worker can begin his petition for a change in status to permanent resident, and hundreds of thousands have done that. A 6-year term is not a temporary visa, and it ought to be changed to a single 2-year term that is not renewable. In fact, this whole program ought to be abolished. There is no need for it, and you cannot prove it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). The Chair wishes to inform the gentleman that he will be recognized for an additional 20 minutes.

Mr. TANCREDO. Mr. Speaker, I thank the Chair.

We have to ask ourselves, are there adequate worker protections in the H–1B visa program? All right. The present program pays lip service to worker protection, but in reality an independent study by the Department of Labor's own Inspector General has shown that these protections are a sham.

The Institute of Electrical and Electronic Engineers believes that so-called safeguards to prevent employers from laying off workers and hiring H–1B employees are ineffective and limited to the employers' actions over a 90-day period prior to the hiring of H–1Bs. This 90-day rule is easily evaded and must be expanded to 6 months if the program is retained. Also, H–1B workers who are laid off must be required to return to their country of origin within 60-days.

A General Accounting Office report found that the training funds appropriated and aimed at helping displaced U.S. workers are misused and benefit comparatively few U.S. workers.

Lastly, are the qualifications and experiences of H–1B visa workers frequently fraudulent? That is a great question. Accusations that H–1B visa applicants often falsify their educational background and experience were verified by the State Department's Inspector General. Documents are frequently and routinely falsified.

A yearlong study of the H–1B visa application from the American Consulate in India found that 45 percent of the work experience claims were fraudulent. There are places in India that they call body shops. These are simply companies that are set up for the purpose of creating these false documents, false degrees and diplomas and attaching them to the H–1B workers, sending them on. Once that worker gets here, it really does not matter because no one really comments on it, and they become part of our labor pool.

□ 2320

The Department of Labor Inspector General has averaged 14 indictments and 11 convictions in the labor certification program each year since 1996; and believe me, that is the tiniest tip of the iceberg. The program could be amended and reformed and its major abuses corrected, but the simple fact is we do not need the program at all. It should be repealed, and I have introduced a bill to do just that.

We could reduce the cap to 25,000 or 35,000; but the truth is we do not even need 10,000 new H–1B visas when we have unemployment of 7 percent among software engineers.

That is why I have introduced H.R. 2688 to repeal the H–1B program. It is now in the Committee of the Judiciary, and I ask for Members' support of this measure. I also have to say that this is just an example of something that I think needs to be discussed on this floor, and the American people have to understand and we need to tell them about it. That is the fact that we have embarked, both the Congress of the United States and the administration, and this is not new, this has been a long time in coming, we have embarked upon a cheap labor program. We have decided that it is in the best interests of someone, certainly the corporations, especially the high-tech corporations, to do what is necessary to reduce the wage rates of American workers who were employed in that industry.

We have testimony, we have hundreds and hundreds of examples, we have tons of empirical evidence to show that the whole H–1B program is a fraud and that the idea that it came as a result of some need that still exists is ludicrous. So why are we still doing it? Why do we allow the 1 million or more H–1B visa holders who are living here essentially illegally, why do we allow them to stay? One reason, Mr. Speaker. It is because the high-tech corporations of this country have opposed it. They have put a great deal of their money into lobbying against any reversal of this program and of the whole philosophy of cheap labor.

Maybe it is something that we cannot avoid that we will be forced, that all American workers will be forced to lower their wages, lower their standard of living to meet the competitors around the word who are competing for these jobs. If that is it, I want somebody who believes that to stand up and tell the American people that is where we are going and they will have to take less money for what they are doing, what they want to do for the rest of their lives, the jobs they are involved in, or become underemployed or unemployed. Maybe they have to sell their homes and get a smaller house and their whole standard of living has to change because of this whole new world economy.

If that is the case, and I do not believe it is, but if that is what we believe to be the case, tell the American people that is what we are doing. Do not hide it under these things called temporary worker visas that are necessary because of the great demand that exists for these jobs and the low supply of labor in the United States to fill that demand, because that is absolutely and clearly a sham. It is a lie that is untrue, and we should not continue to perpetrate that lie.

We have talked about the problems with the massive immigration into this country, specifically in the area of jobs and what it has done to the labor markets. We concentrated for a long time on low-skilled, low-wage workers and what the effect of massive immigration of folks in that particular category meant to low-skilled, low-wage workers here. Guess what it is. This is not brain surgery, as they say.

It is pretty simple to understand that if you bring millions of people into this country every single year who have very few skills, that they are going to compete with other low-skilled, low-wage workers in America. And these are primarily recent immigrants. But even those people who have been here for many years because, unfortunately, many times people who are in the minority communities who are stuck in these low-wage jobs, they are the most negatively affected by massive immigration because it is their jobs that are at risk, and it is their wages that go down. It is a cheap labor policy.

Yet we hear from both sides of the aisle how we need to encourage this phenomenon. From the Democrats who are petrified of actually impeding the flow of illegal immigrants into this country, or legal immigrants, for fear that their voting constituent rolls would be impaired negatively, that the numbers would not be rising as quickly as they would like of potential voters for the Democratic Party, because they fear that political outcome and because a significant chunk of their supporters come from immigrant groups and immigration groups that want to expand immigration into the country, because that is the case, they will do nothing to impede this flow.

On my side of the aisle there is this desire for cheap labor. We want to respond to the needs of corporations in this country that have lobbied so hard to get cheaper labor. Well, both of these agendas I think are unworthy of our efforts. Both sides of the aisle should think about something that is far more important than the immediate political future of either party, and that is the effect of this kind of massive immigration, legal and illegal, on the people of this country.

Is it right and proper that our own Nation's borders should be porous so as to allow the flow of millions of people into this country to take the jobs of American citizens, to force people either to work for less money than they were working for just a few years ago or be unemployed, in order to achieve these political goals that I have just described, cheap labor and greater political benefit, greater potential voter pool? I think it is despicable, Mr. Speaker; but that is exactly where we are. That is exactly where we are because there is no other way that you can possibly explain this phenomenon.

How can we explain the fact that maybe 70 percent of the population consistently tells pollsters that they are in desperate need and they have a great desire for control of immigration, for securing our borders, for even reducing the amount of legal immigration so we can actually integrate those people, the millions that have come in in the recent past?

People say we are a Nation of immigrants. In this Nation's past we have had periods of high immigration, but we have had periods of very low immigration. It has been cyclical. It has not been a constantly increasing pattern since the day the Nation was founded. There are many decades with low-to-almost-nonexistent immigration in terms of the ratio of people coming and leaving, and yet the economy actually grew. In the late 1940s and early 1950s,

immigration was a very small percentage of the population growth of this country, and yet we had an enormous growth rate in the productivity of the country and in the economy itself.

□ 2330

There are many times in our Nation's history where that has happened. We do not need massive immigration to fuel economic growth. We can point to the areas, as I say, the times in the past where this economic growth has been achieved without massive immigration. We need a time-out. We need some time to actually in a way, if you will, digest the massive numbers of people that have come in and to help them get integrated into this country. That has been the process in the past. But we are abandoning that for the political goals that I have identified here. We are suggesting that we can keep the doors open forever, that our borders can and, in fact, should be erased.

There are people who believe that. I want them to stand up in front of this body and defend it. I want them to say that we need to have open borders, because that is what they really want.

I think that it is just, as I said earlier, about the need to tell the American people exactly what it is we are involved with even in the clash of civilizations. It is important to tell the American people what we are involved with in terms of our immigration policy and let them make the decision as to whether we are right or wrong, who is right or wrong.

Maybe I am 180 degrees off base. Maybe I am completely wrong about my concerns with regard to immigration and the impact it will have on this country, the negative impact. Let us get it debated. I want somebody to stand up and say, no. In fact, we need to abolish the borders. We need to repeal all the laws on immigration. We are just a region. We are not really a country at all. Lines on the map, they have become anachronistic, not important at all; and, in fact, markets should determine the flow of goods and services and people and that is all. Markets should determine everything.

Maybe they have got a case to make. Let them make it to the American people. I believe that we have a duty to the people of this Nation to tell them exactly what is at stake here, just as I said earlier about the war on terrorism, what is at stake.

Mr. Speaker, I believe with all my heart that massive immigration into this country will not only determine what kind of a country we become, that is divided, balkanized or united, it will determine whether or not we will be a country, a nation, at all. There are folks who want us to simply be a place on the earth that has residents, not citizens. The whole concept of citizenship is under attack every single day.

Constantly, we are seeing proposals, especially on the other side of the aisle but not uniquely from the Democrats, something from our side, too, proposals to have amnesty for people who are living here illegally, proposals to extend all kinds of benefits to people who are living here illegally, proposals to give people who are living here illegally, who have violated the laws of the land to come in, proposals to say to them, we not only will teach all of your children in K–12, we will teach them in higher education at taxpayers' expense, that we will give you driver's licenses, that we will give you social service benefits, and that we will in fact even let you vote.

There are places called sanctuary cities popping up all over the country, and they are telling their police forces in these cities that they are not to cooperate with the INS in any way, shape or form. They are telling people in the community that they can come and vote if they are simply residents of the community, not citizens of the United States but simply residents of a community.

I ask you, Mr. Speaker, if in fact that is what we are doing, if in fact you provide all of the benefits of citizenship to people who are not citizens and in fact are not even here legally, then what in the world is the value of the word? What is the value of citizenship? It is destroyed. It means nothing. That is what is at stake here. It is not just jobs. Believe me, if you are one of the folks that is out of work, that is a pretty important issue. But it is not even the most important issue for the Nation to deal with right now.

We have got to think about what is the effect of the elimination of the concept of citizenship. What does it mean when a nation abandons its own borders? What does it mean when it tells people by the millions that they should attach themselves not to the principles of the United States, the principles of western civilization but they should actually hang onto the political and cultural heritage that they came with and that they came from, they should keep it, and they should keep the language, not become immersed in an English language, not become part of the American mosaic but stay separate and distinct. How does that benefit us if our goal is to create a continuing American society revolving around the ideals on which this Nation was founded?

And that is important to understand, that this country uniquely was founded on ideas, nothing else. No other country has that distinction. Ideas are the only thing that holds us together here. It is not culture, it is not language, it is not habit, not custom, none of those, not the color of our skin, not our ethnicity, none of those things do we have in common in this Nation. What holds us together is an adherence to principles.

Mr. Speaker, I fear that that adherence is being destroyed in the pursuit, in this incredible desire, I call it the cult of multiculturalism that permeates our society, the cult of multiculturalism.

Multicultural is a term that can be positive in many respects. You can explain how important it is to be a diverse country and the value of that and all that, and I can certainly understand that. As an Italian American, I certainly appreciate my heritage and try to pass it on to my children, but I stop far short of suggesting that that heritage has anything superior to offer to the American culture that my grandparents accepted and desired and had a strong desire to move into as quickly as possible. It is the cult of multiculturalism that permeates our society, this desire to destroy everything that is good about America, to say to children, there is nothing unique about America, nothing good about America, that every other society is as good if not better, that all cultures, no matter what they do, if they force women to be thrown on the funeral pyre of their husband, if they stone women for adultery, if they perform various operations on them. You can go on and on and on about certain things other cultures do and you can say, it's okay, it is just another culture.

Mr. Speaker, I think that western civilization is superior. I do. I believe it is superior. I think it has at least as much to offer, and if you do not want to buy that, then consider it has at least to offer as any other culture in the world. There are many things that we should be prideful of, there are many things that are part of western civilization and American culture that we should try to hang on to and fight for. It goes back to that first discussion we had tonight. It is very hard to make sure that you can do that if your own society is being torn apart, being cut up into little pieces, everybody is put into victimized classes and told that whatever culture they came from was better, was superior and they should hang on to it; politically, hang on to it; ethnically, hang on to it; linguistically, hang on to it.

This is not what America was founded on. It has to be discussed, has to be brought to the attention of the American public and ask them for their opinion and then reflect that opinion here in this body and in the White House. This issue has got to be brought up in every debate, in every election in the country from city council to the President of the United States. It is the overriding domestic issue. It will determine where we are as a Nation; and, as I say, it will determine if we are a Nation. That is why it is important. That is why I bring it to this body night after night as long as I have the voice to do so.

□ 2340

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–206) on the resolution (H. Res. 316) providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. JEFFERSON (at the request of Ms. PELOSI) for today through July 17 on account of official business.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of attending to business in the State.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today and July 15, 16, and 17.

Mrs. MILLER of Michigan, for 5 minutes, July 16.

Mr. MORAN of Kansas, for 5 minutes, July 21.

Mr. PENCE, for 5 minutes, today and July 15 and 16.

Mr. JONES of North Carolina, for 5 minutes, July 16.

Mr. BURGESS, for 5 minutes, July 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COX, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $975.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 886. An act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 15, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emamectin; Pesticide Tolerance [OPP-2003-0220; FRL-7316-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerance [OPP-2003-0196; FRL-7311-2] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [OPP-2003-0136; FRL-7310-7] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3146. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1146] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3147. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — New Drug, Antibiotic, and Biological Drug Product Regulations; Accelerated Approval; Technical Amendment [Docket No. 91N-0278] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3148. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Antiperspirant Drug Products For Over-the-Counter Human Use; Final Monograph [Docket No. 78N-0064] (RIN: 0910-AA01) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3149. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3150. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-03-15351] (RIN: 2127-AI34) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3151. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-02-13678] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3152. A letter from the 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 Santa Barbara, California [CA-282-0392; FRL-7515-3] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3153. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to State Implementation Plan [GA-60, GA-61-200332(a); FRL-7524-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Kentucky Nitrogen Oxides Budget and Allowance Trading Program [KY-142, 144-200330, FRL-7516-1] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 180-1180a; FRL-7513-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets using MOBILE6 [WI116-01-7346a; FRL-7515-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3157. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Correction of Designation of Areas for Air Quality Planning Purposes; California — PM-10 Nonattainment Areas [CA093-CORR; FRL-7516-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3158. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposals of Residential Lead-Based Paint Waste [FRL-7514-7] (RIN: 2050-AE86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [OPPT-2003-0002; FRL-7314-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Use of Porous Surfaces; Amendment in Response to Court Decision [OPPT-2003-0029; FRL-7314-2] (RIN: 2070-AC01) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3161. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Qatar (Transmittal No. 06-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3162. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Sultanate of Oman (Transmittal No. 07-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3163. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Thailand (Transmittal No. 04-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3164. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Arab Emirates (Transmittal No. 05-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3165. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Philippines (Transmittal No. 08-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3166. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3167. A letter from the White House Liaison, Department of Health and Human Sevices, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3168. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3169. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report on federal vacancy confirmed in Senate, position of Assistant Secretary for Congressional and Intergovernmental Relations; to the Committee on Government Reform.

3170. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-098-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3171. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-128-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3172. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Amendment [FRL-7513-8] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 061803B] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction [Docket No. 011219306-2283-02; I.D. 110501A] (RIN: 0648-AM44) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3175. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allocation of Fiscal Year 2003 Operator Training Grants — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System--Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities; Final Rule [FRL-7514-9] (RIN: 2040-AD85) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3177. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Allocation of Fiscal Year 2003 Operator Training Grants for Wastewater Security — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3178. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property--Instructions for Preparing NASA Form 1018 — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3179. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-51) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on July 11, 2003]

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with an amendment (Rept. 108–105, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; with an amendment (Rept. 108–159, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 14, 2000]

Mr. SENSENBRENNER: Committee on the Judicary. H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depositor institutions, and for other purposes; with an amendment (Rept. 108–152, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2086. A bill to reauthorize the Office of National Drug Control Policy; with an amendment (Rept. 108–167 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimmons Army Medical Center, Aurora, Colorado; with an amendment (Rept. 108–200). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1113. A bill to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; with an amendment (Rept. 108–201). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 901, A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; with an amendment (Rept. 108–202). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1209, A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; (Rept. 108–203). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1284, A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (Rept. 108–204). Referred to the Committee of the Whole House on the State of the Union.

Mr, HYDE. Committee on International Relations. H.R. 2441. A bill to establish the Millennium Challenge Account to provide increased support for developing countries that have fostered democracy and the rule of law,

invested in their citizens, and promoted economic freedom; to assess the impact and effectiveness of United States economic assistance; to authorize the expansion of the Peace Corps, and for other purposes; with an amendment (Rept. 108–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART, L.: Committee on Rules. H. Res. 316. A resolution providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes (Rept. 108–206). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following actions occurred on July 11, 2003]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 1562 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Ways and Means and Financial Services discharged from further consideration. H.R. 2330 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on July 14, 2003]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence discharged from further consideration. H.R. 2086 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2714. A bill to reauthorize the State Justice Institute; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 2715. A bill to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes; to the Committee on Resources.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA):

H.R. 2716. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid; to the Committee on Resources, and in addition to the Committees on International Relations, Energy and Commerce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. STARK, and Mr. HINCHEY):

H.R. 2717. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program to provide for the voluntary certification of Internet and mail-order pharmacies, to amend such Act to authorize, subject to certain conditions, the importation by individuals of prescription drugs from Canada for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 2718. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. POMEROY, Mr. RAMSTAD, Mr. SANDLIN, Mr. MATSUI, Mr. KLECZKA, and Mr. TANNER):

H.R. 2719. A bill to provide special funding requirements for certain pension plans maintained by commercial passenger air carriers; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. REYNOLDS, Mr. KIRK, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. LEVIN, Mr. LATOURETTE, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. STUPAK, Mr. MURTHA, Mr. DAVIS of Illinois, Mr. KLECZKA, Mr. BROWN of Ohio, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. HOEFFEL, and Mr. ENGLISH):

H.R. 2720. A bill to authorize appropriations for State programs and activities for the restoration of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, 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. MICHAUD (for himself and Mr. EVANS):

H.R. 2721. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide certain relief under that Act for members of the reserve components who are attending postsecondary educational institutions when called or ordered to active duty; to the Committee on Veterans' Affairs.

By Mr. PITTS (for himself, Mr. NEUGEBAUER, Mr. OTTER, Mr. MCGOVERN, Mr. BURGESS, Ms. HOOLEY of Oregon, Mr. FOLEY, Mr. ENGLISH, Ms. WOOLSEY, Mr. GILCHREST, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. HOSTETTLER, Mr. HOLDEN, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SIMPSON, and Mr. HASTINGS of Florida):

H.R. 2722. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON:

H.R. 2723. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 2724. A bill to amend the Fair Credit Reporting Act to prohibit the use of any information in any consumer report by any credit card issuer that is unrelated to the transactions and experience of the card issuer with the consumer to increase the annual percentage rate applicable to credit extended to the consumer, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Florida (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. KING of New York, Mr. DEUTSCH, Mr. MCDERMOTT, Mr. MATSUI, Mr. BERMAN, Mr. SKELTON, Mr. GREENWOOD, Mr. SHIMKUS, Mr. CROWLEY, Mr. HOEFFEL, Mr. ENGEL, Mr. BROWN of Ohio, Mr. SMITH of Washington, Mrs. JO ANN DAVIS of Virginia, Mrs. LOWEY, Mr. DELAHUNT, Mr. SCHIFF, Mr. KIND, and Mr. NADLER):

H. Con. Res. 242. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 77 memorializing the President of the United States and Congress to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; to the Committee on Armed Services.

140. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 57 memorializing the United States Congress to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

141. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 03-1037, memorializing that the Colorado General Assembly support the establishment of a Veterans Affairs Medical Center at Fitzsimons and the enactment of H.R. 116, the ''Veterans' New Fitzsimons Health Care Facilities Act of 2003''; to the Committee on Veterans' Affairs.

142. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 45 urging Congress to enact the ''Veterans Health Care Funding Guarantee Act of 2003,'' and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

143. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 03-016 memorializing President George W. Bush along with his cabinet, the United States Congress and the United Nations for their unwavering determination to either disarm Saddam Hussein or remove him from power and also expresses its support of the men and women of the United States armed forces for their courage and dedication to this mission; jointly to the Committees on Armed Services and International Relations.

144. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 03-001 memorializing the United States Congress that the General Assembly of the state of Colorado reaffirms its commitment to strengthening our cities and counties as the first line of defense of our people, and to giving our first responders the training, equipment, and resources they need to respond to terrorist attacks; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. FROST.

H.R. 44: Mr. FOLEY.

H.R. 49: Mr. HAYES, Mr. COBLE, Mr. SPRATT, and Mr. MILLER of Florida.

H.R. 110: Mr. SCHROCK.

H.R. 195: Mr. DEMINT.

H.R. 235: Mrs. BLACKBURN and Mr. KLINE.
H.R. 284: Mr. FROST and Ms. SOLIS.
H.R. 303: Mr. CANNON.
H.R. 339: Mr. SESSIONS.
H.R. 375: Mr. LOBIONDO.
H.R. 394: Mr. BAIRD.
H.R. 401: Mr. MOORE.
H.R. 463: Mr. HOUGHTON and Ms. MCCOLLUM.
H.R. 465: Mr. SKELTON.
H.R. 466: Mr. CHOCOLA and Mr. WATT.
H.R. 490: Mr. MOORE.
H.R. 528: Mr. SHAYS.
H.R. 569: Mr. OBERSTAR.
H.R. 684: Mr. KING of Iowa.
H.R. 713: Mr. ABERCROMBIE and Mr. PALLONE.
H.R. 716: Mrs. MALONEY and Mr. PLATTS.
H.R. 792: Mr. RYAN of Ohio, Mr. PLATTS, Mr. SHUSTER, Mrs. MALONEY, Mr. HINCHEY, Mr. FEENEY, Mr. TANCREDO, and Mr. CHOCOLA.
H.R. 806: Ms. LINDA T. SANCHEZ of California and Mr. ABERCROMBIE.
H.R. 808: Mrs. JONES of Ohio.
H.R. 852: Ms. PELOSI, Mr. PALLONE, Mr. FROST, Mr. KILDEE, and Mr. OBERSTAR.
H.R. 919: Mr. WELDON of Florida.
H.R. 931: Mr. HERGER.
H.R. 942: Mr. LIPINSKI, Mr. TOWNS, Ms. ESHOO, Mr. BROWN of Ohio, and Mrs. MYRICK.
H.R. 965: Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. NORTON, and Mr. HOYER.
H.R. 980: Mr. PLATTS.
H.R. 995: Mr. FRANK of Massachusetts.
H.R. 996: Mr. CLYBURN and Mr. MORAN of Virginia.
H.R. 997: Mrs. CUBIN, Mr. HERGER, and Mr. CALVERT.
H.R. 1005: Mr. GREEN of Wisconsin.
H.R. 1070: Ms. MCCOLLUM.
H.R. 1117: Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1137: Mr. KING of Iowa.
H.R. 1169: Mr. CULBERSON.
H.R. 1172: Ms. JACKSON-LEE of Texas.
H.R. 1225: Mr. PRICE of North Carolina and Mr. YOUNG of Florida.
H.R. 1358: Mr. BERMAN.
H.R. 1530: Mr. PETERSON of Minnesota.
H.R. 1532: Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, Mr. LANGEVIN, Mr. HONDA, and Mr. WELDON of Pennsylvania.
H.R. 1606: Mr. LEWIS of Kentucky.
H.R. 1633: Ms. ESHOO and Mrs. TAUSCHER.
H.R. 1676: Mr. BACHUS, Mr. MOORE, and Mr. DOOLEY of California.
H.R. 1708: Mr. LIPINSKI, Mr. GUTIERREZ, Mrs. TAUSCHER, and Mr. GEORGE MILLER of California.
H.R. 1720: Mr. LOBIONDO and Mr. BROWN of South Carolina.
H.R. 1749: Mr. NEY, Mr. KING of Iowa, Mr. SHUSTER, and Mr. BASS.
H.R. 1819: Mr. FOLEY.
H.R. 1858: Mr. EMANUEL, Mr. HOEFFEL, and Mr. SNYDER.
H.R. 1906: Mr. SANDERS.
H.R. 1958: Ms. MILLENDER-MCDONALD.
H.R. 2013: Mr. BEREUTER.
H.R. 2047: Mr. HAYWORTH, Mrs. JONES of Ohio, and Mr. BECERRA.
H.R. 2052: Mr. EVERETT, Ms. BERKLEY, and Mr. SMITH of Washington.
H.R. 2071: Ms. WOOLSEY, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. ESHOO, and Mr. MCDERMOTT.
H.R. 2096: Mr. SHAYS, Mr. ANDREWS, Mr. MCHUGH, Mr. BONNER, Mr. LATHAM, Mr. CROWLEY, Mr. UPTON, and Mr. SCHIFF.
H.R. 2133: Mr. BARTLETT of Maryland.
H.R. 2134: Mr. WILSON of South Carolina.
H.R. 2198: Mr. HOEFFEL.
H.R. 2214: Mr. JANKLOW, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. NETHERCUTT, and Mr. CUNNINGHAM.
H.R. 2216: Mrs. JONES of Ohio and Mr. CALVERT.
H.R. 2233: Mr. SABO.
H.R. 2303: Mr. SIMPSON, Mr. OTTER, and Mrs. CUBIN.
H.R. 2318: Mr. GREEN of Wisconsin.
H.R. 2392: Mr. SCHIFF.
H.R. 2441: Mr. BACHUS, Mr. LEACH, Mr. MCCOTTER, Mr. ENGLISH, Mr. OXLEY, Mr. WHITFIELD, Mr. SIMMONS, Mr. PICKERING, Mr. TERRY, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. UPTON, Mr. KING of New York, Mr. BALLENGER, Mr. THORNBERRY, Mr. NETHERCUTT, Mrs. WILSON of New Mexico, Mr. JOHNSON of Illinois, Mr. ISSA, Mrs. NORTHUP, Mr. ROHRABACHER, Mr. HOUGHTON, Mr. CONYERS, Mr. ACKERMAN, Mr. GRIJALVA, Mr. BOUCHER, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. TIERNEY, Mr. CASE, Mr. FARR, Mr. MORAN of Virginia, Mr. BERMAN, Mr. UDALL of Colorado, Mr. FROST, Ms. WOOLSEY, Mr. WELLER, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Mr. BELL, Mr. ENGEL, Mr. SNYDER, Mr. SMITH of Washington, Mr. BALLANCE, Ms. ROS-LEHTINEN, Mr. ROGERS of Michigan, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mrs. BONO, and Mr. ROYCE.
H.R. 2442: Mr. FRANK of Massachusetts, Mr. FROST, Mr. THOMPSON of Mississippi, Mr. RAHALL, Mr. SPRATT, Mr. LEVIN, and Mr. GUTIERREZ.
H.R. 2462: Mr. ALLEN, Mr. DINGELL, and Mr. GORDON.
H.R. 2466: Mr. WELDON of Florida, Mr. LANTOS, and Mr. DAVIS of Illinois.
H.R. 2482: Mrs. NAPOLITANO.
H.R. 2497: Mr. CLAY and Mr. MCGOVERN.
H.R. 2498: Mr. GRIJALVA.
H.R. 2505: Ms. WATSON, Ms. NORTON, Mr. FARR, and Mr. RUSH.
H.R. 2515: Mr. HALL.
H.R. 2517: Mr. GREEN of Wisconsin.
H.R. 2526: Mr. MCDERMOTT.
H.R. 2556: Mr. AKIN.
H.R. 2563: Mr. JEFFERSON, Mr. GRIJALVA, Mr. RANGEL, Mr. FROST, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. TOWNS, Mr. SPRATT, Mr. HINCHEY, Mr. BALLANCE, Mr. ABERCROMBIE, Ms. MAJETTE, Mr. BOUCHER, Mr. KUCINICH, and Mr. RUSH.
H.R. 2568: Mr. MICHAUD.
H.R. 2601: Mr. OWENS.
H.R. 2605: Mr. FROST, Mr. CLAY, Mr. GONZALEZ, Mr. UDALL of Colorado, Ms. NORTON, Mr. KUCINICH, and Mr. KENNEDY of Rhode Island.
H.R. 2622: Mr. FROST and Mr. RAMSTAD.
H.R. 2625: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. STARK, Mr. ABERCROMBIE, Mrs. LOWEY, Mr. INSLEE, Mr. MCGOVERN, and Mr. SANDERS.
H.R. 2665: Mr. BACA and Ms. KILPATRICK.
H.R. 2680: Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. DUNCAN, Mr. MCNULTY, Mr. PASTOR, Mr. STRICKLAND, Mr. DEUTSCH, and Mr. TIERNEY.
H.R. 2704: Mr. BAIRD and Mr. ENGEL.
H. Con. Res. 56: Ms. HART.
H. Con. Res. 60: Mr. RADANOVICH and Mr. HOEFFEL.
H. Con. Res. 98: Mr. GARY G. MILLER of California, Mr. CAMP, Mr. BARTON of Texas, and Mr. BACHUS.
H. Con. Res. 119: Mr. FORBES, Mr. BARTON of Texas, and Mr. OWENS.
H. Con. Res. 164: Mr. OTTER.
H. Con. Res. 235: Ms. JACKSON-LEE of Texas, Mr. GILLMOR, Mr. SHIMKUS, Ms. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. RYUN of Kansas, Ms. LOFGREN, Mr. WEINER, Mr. ROTHMAN, Mr. OWENS, Mr. MCNULTY, Mr. UPTON, Mr. SIMMONS, Mrs. JONES of Ohio, and Mr. FOLEY.
H. Con. Res. 240: Mr. CUMMINGS, Mr. MEEK of Florida, Ms. CARSON of Indiana, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. BALLANCE, Mr. WATT, Mr. CONYERS, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. CLYBURN, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. CLAY, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. BELL, Mr. FRANK of Massachusetts, Ms. MCCOLLUM, and Ms. WOOLSEY.
H. Res. 38: Mr. PALLONE.
H. Res. 103: Mr. STRICKLAND.
H. Res. 136: Mr. SIMPSON.
H. Res. 304: Ms. HART.

DELETION 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. 20: Mr. GARY G. MILLER of California.
H.R. 1472: Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. VITTER, Mr. BACA, Mr. FORBES, and Mrs. JO ANN DAVIS of Virginia.
H.R. 2214: Mr. BLUMENAUER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

23. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 193 of 2003 petitioning the United States Congress to not move the ''Head Start'' program from the Department of Health and Human Services to the Department of Education and that these monies set aside for this vital program not be ''block granted'' to the individual states; to the Committee on Education and the Workforce.

24. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 198 requesting that the President of the United States restore executive funding to many youth programs that were severely cut and that have helped produced productive members of society; to the Committee on Education and the Workforce.

25. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 199 of 2003 petitioning the United States Congress to restore funding to many youth programs that were severely cut during the 2003 fiscal year budget negotiations; to the Committee on Education and the Workforce.

26. Also, a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03-53 urging the President and the United States Congress to recognize the value, importance, and successes of the Head Start program, to maintain the highest funding levels and to keep the Head Start program in the Department of Health and Human Services; to the Committee on Education and the Workforce.

27. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 196 of 2003 petitioning the United States Congress to restore cuts to Medicaid, including eliminating the President's proposed Medicaid cap that will increase the burden to New York and Rockland County from federally mandated and optional Medicaid programs; to the Committee on Energy and Commerce.

28. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 146 of 2003 expressing recommendation that President George W. Bush appoint Congressman Benjamin Gilman as United States Ambassador to Ireland; to the Committee on International Relations.

29. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 140 of 2003 petitioning the United

States Congress to enact The State and Local Aid and Economic Stimulus Act of 2003 (Senate Law S. 201 IS, HR 1211 IH); to the Committee on Government Reform.

30. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 182 of 2003 petitioning the United States Congress to restore funding to battered women's shelter and services program under the federal ''Violence Against Women Act''; to the Committee on the Judiciary.

31. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a resolution urging the United States Congress to reject S. 659 and H.R. 1036, legislation which seeks to grant the Firearm Industry special protections against legal action; to the Committee on the Judiciary.

32. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 151 of 2003 requesting the United States Environmental Protection Agency to immediately implement without delay the remediation plan in the Hudson River; to the Committee on Transportation and Infrastructure.

33. Also, a petition of the Avoyelles Parish Police Jury, Marksville, Louisiana, relative to a resolution expressing support of the United States Armed Forces, the Reserves and the National Guard who, in call of their Commander in Chief, courageously stand ready to make the ultimate sacrifice so that all Americans can continue to live freely and without fear; jointly to the Committees on Armed Services and International Relations.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1950

OFFERED BY: MR. KENNEDY OF MINNESOTA TO THE AMENDMENT OFFERED BY: MR. HYDE

AMENDMENT NO. 1: In section 2103(a)(1)(C)(ii) of the amendment, add at the end before the semicolon the following: '', including, with respect to investment in the health of its citizens, a calculation of the amount of both public and private expenditures on health initiatives as a percentage of the gross domestic product of the country''.

H.R. 2673

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: Under the heading ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', insert after the dollar amount on page 5, line 1, the following: ''(reduced by $800,000)''.

Under the heading ''OFFICE OF THE INSPECTOR GENERAL'', insert after the dollar amount on page 7, line 18, the following: ''(increased by $800,000)''.

H.R. 2673

OFFERED BY: MR. DAVIS OF ALABAMA

AMENDMENT NO. 2: Page 3, line 9, after the dollar amount, insert ''(reduced by $3,500,000)''.

Page 11, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 5, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 23, after the dollar amount, insert ''(increased by $1,500,000)''.

Page 14, line 14, after the dollar amount, insert ''(increased by $1,500,000)''.

H.R. 2673

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 4: Add at the end (before the short title) the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

H.R. 2673

OFFERED BY: MR. BALLANCE

AMENDMENT NO. 4: Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount on page 3, line 9, the following: ''(reduced by $8,656,000)''.

Under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount on page 4, line 6, the following: ''(increased by $411,000)''.

Under the heading ''DEPARTMENTAL ADMINISTRATION'', insert after the dollar amount on page 6, line 3, the following: ''(increased by $2,005,000)''.

Under the heading ''CSREES-RESEARCH AND EDUCATION ACTIVITIES'', insert after the dollar amounts on page 11, line 13, and page 12, line 16, the following: ''(increased by $600,000)''.

Under the heading ''OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount on page 16, line 12, the following: ''(increased by $5,000,000)''.

H.R. 2691

OFFERED BY: MR. HOLT

AMENDMENT NO. 2: At the end of the bill (before the short title) insert the following section:

SEC. 3___. None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

H.R. 2691

OFFERED BY: MR. RAHALL

AMENDMENT NO. 3: Strike section 137.

H.R. 2691

OFFERED BY: MR. RAHALL

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

H.R. 2691

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 5: 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 ''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 ''at least 65 percent'' for ''substantially all''.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, JULY 14, 2003 No. 103

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Lord of the universe, Your power makes the oceans rise, and we rely on Your strength to live abundantly. Thank You, Lord, for the many opportunities You send us each day to do good. Do in and through us what we can never accomplish in our own strength. Use us to remove walls of suspicion, division, and hate, and to build bridges of trust, unity, and understanding throughout our world.

May we remember not to fear disappointments and setbacks because You promised that nothing can separate us from Your love. We pray this in Your strong 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, today the Senate will continue to work through the appropriations process by beginning consideration of H.R. 2658, the Department of Defense appropriations bill. Last week the Senate was able to complete the military construction appropriations bill and the legislative branch appropriations bill. The hard work of Chairman STEVENS, Senator CAMPBELL, Senator HUTCHISON, and the Democratic leader enabled us to work swiftly on those measures.

We are expected to continue this work by completing action on several more appropriations measures this week. Two additional bills are ready for action. They are the Homeland Security bill and the Labor-HHS-Education bill.

With respect to the Defense appropriations bill today, the two managers will be here throughout the afternoon and, therefore, Senators should be prepared to come to the floor to offer their amendments. Any votes ordered on those amendments will be stacked to begin at approximately 5:15 or 5:30. If an amendment is not available for a vote at that time, it would be my intent to have a vote on an executive nomination. Later this afternoon we will announce the precise time and subject of today's vote. We will have busy sessions this week to complete the bills I have previously mentioned. Therefore, rollcall votes can be expected each day.

I also want to take a moment this afternoon to thank Chairman LUGAR for his hard work and diligence throughout last week's consideration of the State Department authorization. I had hoped that the bill could have been completed last week. However, a number of extraneous issues not related to the underlying subject slowed the bill's passage. It is important and it is appropriate for the Senate to pass a State Department authorization as well as foreign aid authorization. Every Member does have a right to amend, but I would encourage Members to show restraint and allow the Senate to complete its work on this measure. There will be other opportunities for these nongermane amendments, and I hope we will be able to resume the bill for amendments that relate to the issues of the Department of State and foreign aid.

On Thursday of this week, Prime Minister Tony Blair will be addressing a joint meeting of Congress in the afternoon. We will have further information and announcements about that as the week goes forward. I look forward to a productive week, a very busy week, and do believe we will make tremendous progress in terms of advancing these appropriations bills.

Mr. REID. If the distinguished majority leader is finished, I would like to ask a couple questions.

When we complete the work on the Defense bill, which hopefully will be this week—I am sure the leader wants it earlier rather than later—do you have an idea yet what bill we will go to after that?

Mr. FRIST. We intend to go to either Homeland Security or Labor-HHS. I will turn to the distinguished chairman either now or in a few minutes to comment on that as we go forward.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska.

Mr. STEVENS. Mr. President, we are ready to go on either bill. We are trying to assure the presence of the ranking members and chairmen of those subcommittees. I prefer to give you that information later today if I may.

Mr. REID. The second question or statement is that Senator BYRD and others have no problem going forward on this bill today. We would just ask that there be no agreements on time until that is cleared with this side. Agreements on time and things of that nature, we would like to be advised if there are time agreements that are needed. We would be happy to be cooperative, but we would at least like to know about that.

Mr. FRIST. Mr. President, I yield to the chairman.

Mr. STEVENS. Mr. President, we know of only two amendments so far that may come toward this bill. We would encourage Members to come forward and tell us if they are going to offer amendments. It would be our hope that we could proceed with this bill in a fashion that we could come to a final

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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conclusion tomorrow afternoon and vote on this bill tomorrow afternoon and take up one of the other bills so we can move these bills along. This bill came out of our committee unanimously. We have taken care of most of the amendments in our committee. We will cooperate with you in every way to give you advance notice on the votes. If we can find out the number of amendments that are coming, we might even be able to make arrangements that we would vote early tomorrow morning on the amendments on this bill and just have one vote on the executive calendar.

Mr. REID. Mr. President, through you to the distinguished chairman of the committee, I have spoken to Senator BYRD today, and he may want to give a statement today. But he has indicated he certainly does tomorrow. He and I have talked. There are a number of people who at this stage have not indicated they want to offer amendments, but they do wish to make statements on this very important bill. At this stage there are four or five Senators wishing to do that. That will take a little bit of time in the morning but should not take a lot of time. I only know of four or five. And as soon as I learn about amendments, I will certainly let the distinguished ranking member know about those amendments.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2658, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my privilege and honor once again to present to the Senate the Defense appropriations bill for fiscal year 2004. This bill reflects a bipartisan approach that Senator INOUYE and I have tried to maintain during the time we have served together on the Defense Appropriations Subcommittee. It is always a great pleasure for me to work with him and with his staff member Charlie Houy. We believe we have a bill that will meet the approval of the Senate with very few amendments.

This bill was reported out of the full Appropriations Committee on July 9 by a unanimous vote; 29 Senators voted in favor of it and no Senator objected to it. We have sought to recommend a balanced bill to the Senate. We believe it addresses the key requirements for readiness, quality of life, and the reconstitution of our military force.

While we are debating this bill on the floor today, there are hundreds of thousands of men and women in uniform forward deployed and serving our country abroad. They are performing superbly and we are proud of what they are accomplishing.

The Department of Defense now faces three critical and often competing challenges:

First, conducting simultaneous combat and near-combat operations in numerous theaters at the same time—Iraq, Afghanistan, Bosnia, and Kosovo, to name a few. We have forces spread throughout the world, deployed in more areas and in more strange circumstances than at any time in the history of this country;

Secondly, keeping the readiness of this force at high levels, ready to respond when called upon to carry out the global war on terrorism, is another great challenge;

Lastly, transforming the Department to meet future challenges. We must ensure that our military forces are ready to meet whatever lies ahead as we move through the 21st century.

Transformation is necessary to ensure that U.S. forces continue to operate from a position of overwhelming military advantage.

Transformed forces are also essential for deterring conflict, dissuading adversaries, and assuring others of our commitment to a peaceful world.

This bill Senator INOUYE and I present today reflects a prudent balance among all three of these challenges. It recommends $368.6 billion in discretionary budget authority programs for the Department of Defense. This is $3.2 billion below the President's request but within our 302(b) allocations for the Defense subcommittee.

As the Senate will recall, we completed action on a $62.6 billion Iraq supplemental appropriations bill for the Department of Defense in mid-April. This bill rescinds $3.157 billion of those supplemental funds that are not currently required by the Department.

This measure is fully consistent with both the objectives of the administration and the Senate-passed 2004 National Defense authorization bill.

It honors the commitments we have to our Armed Forces. It helps ensure that they will continue to have good leadership, first-rate training, modernized equipment, and quality infrastructure. It also fully funds key readiness programs critical to the global war on terrorism.

These recommendations will make continued progress in supporting our military personnel, their families, and modernizing the force. As always, those are our first priorities.

In highlighting several of the key initiatives, I note the following:

This bill funds an average military pay raise of 4.15 percent and provides $210 million to fund increases in family separation allowances and imminent danger pay.

It does not recommend consolidation of Guard and Reserve personnel appropriations with their respective active component appropriations.

For the Army, it is additional funding for their transformation initiative—the Stryker brigade combat teams.

For the Navy, additional submarine refuelings, advance procurement of LPD–23, and fully funding the last increment of the LHD–8.

For the Air Force, it is fully funding the C–17 aircraft and funding acquisition of 22 F–22 Raptor aircraft.

In light of the contributions of the Guard and Reserve forces and deployments to the Balkans, Afghanistan, and Iraq, this bill adds $700 million of nondesignated equipment funding—specifically for the Reserve components.

The proposal before the Senate funds the President's request for missile defense.

Finally, let me once again thank my cochairman, Senator INOUYE, for his support and friendship and invaluable counsel on this bill. I urge the Chair to recognize him for any statement he wishes to make.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise to express my very strong support for this measure. The committee has produced a bipartisan bill which reflects well on the committee and on the Senate.

It has often been said that foreign policy debates should stop at the water's edge. This bill holds true to that principle. This bill provides for our Nation's defense without letting politics drive the recommendations.

I commend our chairman, the Senator from Alaska, for the bill being brought to the Senate this afternoon. This important measure provides the spending necessary for the Defense Department for fiscal year 2004. The total in the bill is about $369 billion, as noted by the chairman. It is $3.2 billion below the amount requested by the President, but it is the same as the subcommittee's 302(b) allocation.

Mr. President, I don't intend to reiterate all of the details the chairman has outlined. Suffice it to say that the bill fully funds our military personnel programs, including the authorized pay raise. It provides sufficient funding to meet our readiness requirements for the coming year, and it also increases funding for DOD's critical transformation programs.

I wish to inform all of my colleagues that consistent with the administration's request, no funds are included in this bill for the ongoing operations in Afghanistan and Iraq.

A portion of the fiscal year 2003 supplemental funds provided this year will remain available in the coming year to help offset these needs. But I believe it

should be made clear that an additional supplemental funding will most likely be required in the next fiscal year. Only a dramatic improvement in the situation in Iraq and in Afghanistan would obviate the need for additional funding for these purposes.

I want to offer my personal thanks to the chairman for increasing funding in support of the Army's Stryker brigades and the C–17. These two programs are critical to the military's transformation plans. The added funding will greatly assist DOD in meeting its goals.

The Chairman has presented us with a very good bill, and I encourage all of you to support it wholeheartedly.

I wish to join my chairman and the Members of the Senate in extending our gratitude and admiration for the men and women who are serving us this day. I hope this measure in some small way will indicate to them our gratitude and our great admiration.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the managers of this bill, of course, are two of the most talented and experienced men who serve in the Senate and who have ever served here, and their cooperation and partnership in moving this bill through the Senate in years past has been legendary. I am sure this year will be no different.

The work that has been done in the Defense Subcommittee has created a lot of jobs. There is no question about that. It is one of the bright spots in the economic pattern of our country. As a result of what is going on in defense, jobs have been created. But it is not that way throughout most of the economy. Most of the economy is in dire jeopardy, suffering all kinds of problems. I know we all wish the news about unemployment would get better, but it keeps getting worse. That is unfortunate.

Late last week, the Labor Department released some of the worst news we have had in a long time as relates to the economy. The number of U.S. workers filing for unemployment benefits rose to a 20-year high, 439,000. Since President George Bush took office, we have lost more than 3.1 million jobs—it is quickly approaching 3.2 million jobs—in the private sector.

Unemployment overall jumped last month to 6.4 percent. That does not include those who have given up hope and stopped looking for work and are not included in the 6.4 percent. If we counted all the people chronically unemployed, people who simply cannot find a full-time job, the total unemployment rate would be almost 11 percent. Even worse, we find that the unemployment rate for African Americans, Hispanics, and Asians is higher, and for teenagers who look for summer jobs to help pay for expenses during the school year, the job is especially bleak.

In Nevada, we have just in the lower figure—that is the 6.4 percent; that is those who are not chronically unemployed—some 55,000 people who cannot find work. People want work. They know the American dream begins with a good job. It begins with owning a home. It begins with giving your children a good education and building a better community. But all this starts with a good job.

I have on this chart what has happened since this President has taken office. During the Clinton administration, some 23 million new jobs were created. In this administration, we have a President, for the first time since we have been keeping numbers, who in multiyears has lost jobs. As I indicated, we are approaching 3.2 million.

On this chart, we can see that when he took office, there were 5.9 million unemployed Americans. Now there are 9.4 million. It is easy to talk about numbers and percentages. Every one of these numbers is made up of people who are looking for work.

I was talking to the junior Senator from Washington. It is hard to comprehend these numbers, but Boeing laid off 35,000 people at once. All at once, 35,000 people got blue slips. We are laying off people all the time.

As I have indicated, we have in Nevada tens of thousands of people who cannot find work, and Nevada has a better unemployment record than a lot of places.

Each person who makes up these numbers is someone who was working for Boeing, who was working someplace, and is willing to work anyplace, but cannot find a job.

You can look at a doctor's chart and find out what is wrong with a patient. I think we need to look at this chart and recognize that this patient, the American economy, is in deep trouble. We have people who simply need a job.

The President has not prescribed anything I know of to increase employment other than tax cuts. If tax cuts had been the answer to solve the problems in the economy, the first go-round of tax cuts would have been just the thing.

It did not work; so what does he do? He comes back and says: We are going to have this economy running well; we are going to cut taxes some more. He cut taxes some more.

We had a surplus when this President took office when the unemployment numbers were below 6 percent. We had a situation where we had a surplus over 10 years of more than $7 trillion. That surplus is gone. It is zero. This year, we will have the largest deficit in the history of the world. It will be around $600 billion. We see the printed figures in newspapers and commentary on television. It is over $400 billion, approaching $500 billion. Of course, that does not take into consideration the fact that the Social Security surpluses are placed in there to mask the overall deficit.

The President said: Things were not so good when I got the economy. You cannot pass the buck, as President Truman said.

The buck stops at his office. What we have found is massive unemployment. We have hemorrhaging of the economy. We find that some of this is related to the war on terrorism—we realize that—about 20 to 25 percent of it. The rest is just bad economic policy.

What the President inherited was an incredible record of job growth. I repeat what I said a moment ago, 23 million new jobs in 8 years. Every one of those new jobs was another door of opportunity opening. Every one of these job losses is a door of opportunity closing. Every time a job has disappeared, the American dream has slipped from another family's grasp.

What should we do? I think it is clear what has been going on has not worked. We tried the tax cut route once, and it did not work. We tried it again, and it is still not working. We are all against taxes. It would be great if no one had to pay taxes. In fact, people would rather have a strong, vibrant economy than have these tax cuts, of course, that go to those people who are better off in our economy, the so-called elite.

Let's do something different. I would expect if things are going so bad, maybe we should have another round of tax cuts. I am afraid that is what we are going to hear from this administration. Instead of more tax breaks for the elite, who have plenty, we need to do something to create jobs for those who cannot find work.

Prior to September 11, I had a program called the American Marshall Plan. It was a program where we would spend money in the public sector creating jobs—water systems, sewer systems, bridges, roads, dams. Every State of the Union has massive projects on the drawing board that we cannot fund. The Energy and Water Development Subcommittee, of which I am ranking member and Senator DOMENICI is now the chairman—I was the chairman a short time ago—we have hundreds of water projects we have authorized and for which we cannot pay. There are hundreds of them. Should we deauthorize them? These are not water projects just to make people feel good. They are flood projects. They are massive projects.

I traveled to the State of Washington with Senator CANTWELL to look at the Hanford Project. They call it the Hanford reservation where nuclear projects have taken place since World War II. They have some tremendous problems with nuclear waste. I traveled there. I traveled also to Yakima, WA, and met with a group of people, Democrats and Republicans, about a public works project they believe would be so important. It would help the Columbia River. It would help the Yakima River. It would help growth in that area in many different ways. We can authorize another water project, one that is badly needed. We have to figure a way to pay for these projects, expend money for these projects.

For every billion dollars we spend on a public works project, whether it is highways, putting in a sewer system in a State, city, or county, we create 47,000 high-paying jobs, jobs where people will buy refrigerators, furniture, cars, and homes. Those 47,000 jobs create more jobs. It seems if we spend a few billions doing that rather than just tax cuts that have not created any jobs we would be so much better off.

The average school in America is approaching 50 years of age. Then there are places such as Clark County, Nevada where we have to build as many as 18 new schools a year just to keep up with the growth. We need help building these schools. We need help on roads, bridges.

There was an article last week in the newspapers about 40 percent of all bridges in the United States are in a state of disrepair. We have some bridges we have had to stop people from traveling over. Some schoolbuses let the kids out and let the kids walk across the bridges, and they climb back on the bus when they get on the other side because the bridges are in such a state of disrepair.

There are broken water pipes. I held a hearing prior to September 11. There were mayors of the city of Atlanta, Las Vegas—I am trying to think of the other cities around the country. Atlanta, I have that stuck in my mind because it was such a terrible situation. In fact, the mayor said, I am looking forward to my term ending because then I will not have to wake up every morning wondering if the water system is broken down. It is old, dilapidated, decayed. To do their water system is going to cost billions of dollars.

Some of the water pipes in existence in Washington, DC, are 150 years old. One wonders if there are leaks and problems. Of course there are.

I will not go through all the other mayors who appeared but there are significant problems. We need to help them. We can do that with public works dollars. It has to be done some time anyway. Why not do it now to help stimulate this economy? We can create new jobs by promoting new technologies and producing energy from renewable nonpolluting sources. Those will not only create jobs, they will help us achieve energy independence. We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families or small businesses.

I think it speaks volumes if we look around the country. I spoke today to the Governor of the State of Pennsylvania. The legislature is having trouble determining how they are going to fund all the things that are required to be done in the State of Pennsylvania. The Governor is waiting for the legislature to determine how they are going to do that.

In the State of Nevada, the Governor of the State of Nevada had to call three or four special sessions of the State legislature to try to figure out a way to fund the budget they had passed. They could not do it. The Governor filed a lawsuit with the Nevada Supreme Court and the court ruled as to how the legislature is going to fund the money. What a crazy way to do business.

The reason the States and local governments are having all of these problems is the Federal Government has backed off on many commitments that we have had. We have passed on burdens to the States, unfunded mandates, in education and in homeland security. The States are paying for this, local governments are paying for this, and that is why we find 47 of the 50 States in deep financial trouble.

The king of financial troubles, of course, is the State of California, with a deficit of some $35 billion. The tiny State of Nevada had a deficit of a billion dollars. There is a constitutional requirement in Nevada that they have to balance the budget. Therefore the Supreme Court had to get into that.

We can reverse this awful trend. We can save the jobs we have and help create new ones but we have to be willing to do something different than what is going on now.

I, again, applaud my two friends and mentors, role models, who are managing this bill. I am confident that if we have a bill that has their fingerprints on it, it is something that is good for the national security of this country and I am sure in a reasonably short period of time this bill will become law.

As I indicated in my conversations this morning with the majority leader and the chairman of the committee, I know several people who want to speak on this issue. I do not see a lot of amendments but there will be some amendments on this legislation in an attempt to make it better than what it is. I look forward to working with my two friends to move this legislation along as quickly as possible.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1217

Mr. STEVENS. Mr. President, there is a substitute amendment at the desk and I ask for its consideration. For the information of all Senators, the amendment is the text of the Senate-reported bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1217.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER are found in today's RECORD under ''Morning Business.'')

Mr. NICKLES. Mr. President, I rise in support of S. 1382, the Department of Defense appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $369.2 billion in budget authority and $389.9 billion in outlays in fiscal year 2004 for the Department of Defense. Of these totals, $528 million is for mandatory programs.

The bill provides $368.637 billion in discretionary budget authority, $25 billion less than the subcommittee's 302(b) allocation. The bill provides $389.371 billion in discretionary outlays, $16 million below the 302(b) allocation. Pursuant to an agreement with the administration, the bill provides $3.062 billion less budget authority than was in the President's Defense budget request. These funds were shifted to other nondefense spending bills.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1382, DEFENSE APPROPRIATIONS, 2004, SPENDING COMPARISONS, SENATE-REPORTED BILL

[Fiscal Year 2004 (in millions of dollars)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	368.637	528	369,165
Outlays	389,371	528	389,899
Senate 302(b) allocation:			
Budget authority	368,662	528	369,190
Outlays	389,387	528	389,915

S. 1382, DEFENSE APPROPRIATIONS, 2004, SPENDING COMPARISONS, SENATE-REPORTED BILL—Continued

[Fiscal Year 2004 (in millions of dollars)]

	General purpose	Mandatory	Total
2003 level:			
Budget authority	426,621	393	427,014
Outlays	393,835	393	394,228
President's request:			
Budget authority	371,699	528	372,227
Outlays	393,220	528	393,748
House-passed bill:			
Budget authority	368,662	528	369,190
Outlays	388,836	528	389,364
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	(25)		(25)
Outlays	(16)		(16)
2003 level:			
Budget authority	(57,984)	135	(57,849)
Outlays	(4,464)	135	(4,329)
President's request:			
Budget authority	(3,062)		(3,062
Outlays	(3,849)		(3,849)
House-passed bill:			
Budget authority	(25)		(25)
Outlays	535		535

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.
Prepared by SBC Majority Staff, 7/10/2003.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, just before I left the floor, I asked that the substitute amendment, which is the text of the Senate-reported bill, be reported. I now ask unanimous consent that the Senate adopt this amendment, make it original text for the purpose of further amendment, and the usual boilerplate language that goes along with that. But I would like to proceed at that point, and I do have Senator BYRD's concurrence on this at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1217) was agreed to.

Mr. STEVENS. I yield the floor.

Mr. President, I understand the Senator from New Mexico wishes some time.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have now served with 11 Directors of Intelligence during my tenure as a Senator. I think I have known each of them personally. In fact, my roots in connection with the intelligence process go back to World War II when I flew an OSS plane into China frequently, and I have had a great deal of interest in the CIA and its operations.

I have learned in that timespan that intelligence—good intelligence—is essential to force projection and protection of our Nation. Unfortunately, we cannot publish a list of the numerous occasions in which men and women in the intelligence community have literally saved the lives of U.S. military and civilian personnel. Sometimes I wish we could tell the whole story. It would put into better perspective the few mistakes the intelligence community sometimes makes.

However, mistakes in interpreting intelligence data can and will be made. The CIA has not often admitted blame for serious mistakes. Taking responsibility has not been their strong suit in the past, and I have not always been happy with the information the CIA has produced.

In working with the intelligence chief, George Tenet, to fully disclose information we have needed to determine proper funding levels in our Appropriations Committee for programs and projects he oversees, I can assure the Senate he has always been fair, just, and open with us.

Mr. Tenet is responsible for the accuracy of intelligence information his agency provides to the President and the Congress, and he has now acknowledged the CIA's error in interpreting data relating to the President's State of the Union comment about Iraq.

For this I think he should be commended, and that is why I have come to the floor: to commend him for his action. Few in this town often take the clear path to acknowledge error. The intelligence and defense committees are rightly investigating the events leading up to this mistake, but I am hopeful that as the Congress and the executive branch proceed to determine how this mistake occurred, all realize that those of us who work with him on a daily basis, including the President, trust and rely on George Tenet and are ready to defend him as a good man and excellent DCI and a man of intelligence, honesty, and candor.

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. STEVENS. 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. STEVENS. Mr. President, I have been conferring with our staff, with Senator INOUYE's staff, and with Senator INOUYE. We request any Member who wants to present an amendment for inclusion in a managers' package to disclose that amendment to us by 3 tomorrow afternoon. We make that request because we do have the necessity of having full disclosure of what is in that package. It is often easier to handle some of these very small amendments that move money from one place to another or have a particular interest for one post or one military establishment or another, and we prefer to handle it in the way of offering those as one series of amendments in a managers' package if we can.

We cannot do that unless people come forward and contact us. We have knowledge of several Members who have small amendments of that type, and we wish them to know at this time that in order to get this package cleared in advance with Senator MCCAIN and others we want to have those disclosed to us by 3 tomorrow or the Members will be compelled to offer the amendments individually.

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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1224, 1225, 1226, AND 1227 EN BLOC

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senator INHOFE to make available from amounts available for research, development, test and evaluation, Air Force, $4 million for cost-effective composite materials for manned and unmanned flight structures.

I also send to the desk an amendment for Senator DODD to increase the

amount of Army RDT&E funds available for the broad area unmanned responsive resupply operations aircraft program.

I also send an amendment to the desk by Senator SNOWE to set aside Navy operation maintenance funds for the Navy Pilot Human Resources Call Center in Cutler, ME.

I also send an amendment to the desk for Senator BREAUX to make available from amounts available for research, development, test and evaluation, Navy, $4 million for Navy integrated manufacturing development.

I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for other Senators, proposes amendments numbered 1224 through 1227 en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1224

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Air Force, $4,000,000 for cost effective composite materials for manned and unmanned flight structures)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

AMENDMENT NO. 1225

(Purpose: To increase the amount of Army RDT&E funds available for the Broad Area Unmanned Responsive Resupply Operations (BURRO) aircraft program (PE 0603003A)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

AMENDMENT NO. 1226

(Purpose: To set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'' for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 1227

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $4,000,000 for Navy Integrated Manufacturing Development)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, this is an example of some of the amendments that we are trying to process as quickly as possible. They have been referred to Members involved, including Senator MCCAIN. They have been cleared for action. I urge Members of the Senate to come forward if they have such amendments so we might be able to dispose of them this afternoon.

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. STEVENS. 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—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, for the leader, I ask unanimous consent that at 5:30 today the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 293, Samuel Der-Yeghiayan, of Illinois to be a U.S. District Judge for the Northern District of Illinois, without further intervening action or debate; provided further that immediately following that vote, Calendar No. 292, Robert Brack, to be a U.S. District Judge for the District of New Mexico, be confirmed, and the motion to reconsider be laid upon the table. Finally, I ask unanimous consent that following that action, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I believe this will be the 137th and 138th judge we have approved of President Bush, and only two have been opposed. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a few minutes ago I misspoke in my reservation of objection. I indicated that it was the 137th judge we would approve. It is 135. The first one would be 134. The second would be 135. I exaggerated by two. I want that stricken from the record. I didn't exaggerate. I simply made a calculation that was wrong. We have approved 135 judges for President Bush, and we have stopped two. The record is 135 to 2.

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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business until the hour of 5:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. DORGAN. Mr. President, I believe the Senate will be voting this afternoon on a judiciary nomination, but in the meantime, most of this afternoon, and I expect tomorrow and perhaps even the next day, we will be on one of the most important appropriations bills we consider in the Senate, and that is the appropriation for the Department of Defense.

Most of us know that in recent years we have been faced with some very unusual circumstances that deal with national security both at home and around the world. National security is critically important to this country, both protecting our homeland against acts of terrorism and also dealing with trouble spots around the world that threaten our national interests.

So as we consider a bill providing the funds for our national defense through the Department of Defense, I wish to say a couple of things. First, I thank Senator STEVENS and Senator INOUYE. I happen to serve on the subcommittee on which they are chairman and ranking member, and I think they have

done a remarkable job with this legislation. They should be commended by every Member of the Senate for the work they do on national defense. I think if all America could see them as they work through subcommittee and committee and work with the Department of Defense trying to understand and analyze all of the programs that are involved with defense issues, they would understand how blessed this country is in having the leadership of the Senators from Alaska and Hawaii at this point.

But, in this debate, I think we are missing a piece to the puzzle of national defense. This bill is a very large bill, it is a very complicated bill, and in introducing the bill I believe my colleagues indicated that this legislation, while very large, does not have any funding in it for the military operations in the country of Iraq.

Now, why is that an issue and why is it important? Because at this point we are spending $3.9 billion, nearly $4 billion, a month in Iraq. There was an aggressive war fought in Iraq with valiant and brave young men and women who answered the call to duty, and now, following the major part of that war, hostilities continue in Iraq. It breaks the hearts of all of us to see the deaths and the continuing struggle many of our soldiers are going through in Iraq, but they will and we will prevail.

However, it is clear to everyone from the testimony last week of Secretary Rumsfeld and others that this will not be done quickly. This country is not going to pull out of Iraq in 1 month or 2 months or 4 months. We now have roughly 140,000 to 150,000 troops in Iraq, and this weekend Secretary Rumsfeld and others suggested that that we may have to be increase that number. If we are in fact spending nearly $4 billion a month in Iraq, and there is a suggestion perhaps that we will do that for a year, we are talking $48 billion to $50 billion a year in expenditures.

We know that is happening. We know that at the start of the fiscal year we will be spending money in Iraq. It is likely to me it will be at least at the level that exists this month, last month, or the month before. If that is the case, then the question is: Where is the money going to come from? As I understand it, there is not one penny in this Defense appropriations bill to fund those needs that exist to support the troops in Iraq.

What would typically happen, I suppose, is the funding of $4 billion a month would be taken out of other programs and shifted around to fund the programs in Iraq and the soldiers who are in Iraq and all the equipment and the needs month after month. And then at some point the administration would send a supplemental appropriations request saying, we have an emergency request for Congress to appropriate $36 billion to $40 billion to fund those items that respond to the needs of the military that is in Iraq.

It seems to me that, rather that the administration coming to us 6 months or 10 months from now, asking to come up with another $30, $40, or $50 billion on an emergency basis and adding it to the debt and not paying for it, a far better approach would be, since we know the expenditure will exist, since we know this requirement exists, a better approach would be for the President to send us a budget amendment; a budget amendment by which this President would say to the Congress, here is the need and here is how we pay for it.

The administration should say this is what is happening today in the country of Iraq. We have American soldiers, men and women wearing America's uniform, in substantial numbers, costing $3.9 billion a month, according to the Secretary of Defense. We know that exists now. We also know that this country is not going to withdraw from Iraq any time soon.

So we know on October 1, when the next fiscal year begins, this requirement exists. Therefore, we request the Congress to appropriate X billions of dollars to meet that requirement.

That is a straightforward way for this administration to say: Here is what it is costing us and here is how we think we ought to pay for it. We should not be in a situation in this country where we say to America's sons and daughters: You go to war; and by the way, when you come back we will have you pay the bill. If they are risking their lives and answering the call to duty for this country, the very least we ought to do is to decide how much this is going to cost and how we will pay for it.

There will be, I am sure, many voices of criticism of many items in all of these issues dealing with national security and the war in Iraq, intelligence, the state of the intelligence information, the quality of the information, who knew what when. All of those are important issues for our country. My point is not to be critical of any operation or anyone. My point is to say this Congress knows when we pass this appropriations bill that we have a responsibility to fund the operations in Iraq. Those operations now cost somewhere between $45 and $50 billion a year at an annual rate. Yet there is not a penny in this Defense appropriations bill for those purposes.

Why? Because the administration has not asked for it. They might say, but we have not done that in the past, not only this administration but other administrations. That is true. In the past, other operations have been funded later by emergency requests. This operation, however, is much larger, is much more certain to go on for a lengthier period of time, and this operation in Iraq requires the President to send an amended budget request of some type, saying here is what we expect the estimate to be for the next fiscal year, and here is the funding we would like. Then this Congress has a responsibility to respond to the President in an appropriate way.

It is Byzantine to be passing a Defense appropriations bill pretending that the $4 billion a month we are spending on the military operations in Iraq does not exist. We know it exists. We have a responsibility to provide the funding for it, not 10 months from now but now.

Let me make one additional point. I mentioned the men and women who have answered the call to duty. Many of them are National Guard men and women, reservists. They are the citizen soldiers of this country. They have regular jobs, they live in regular homes, have regular families, and they lead a normal life. But they are citizen soldiers. They drill on weekends. They go to a summer camp for the National Guard and Reserve and from time to time during emergencies they are deployed. They are called up to active duty.

In the last 4, 5, or 6 years, the National Guard has been used in a much different way than ever before. Especially now with Afghanistan and Iraq, we routinely see substantial numbers of National Guard forces called up and deployed.

Nearly one-third of those who are engaged in the National Guard and Reserve in my State of North Dakota have been deployed on active duty. Many of them were deployed in Bosnia, Kosovo, and now the same ones are sent to Iraq or Afghanistan. There will come a time to rethink what we are doing with our National Guard and Reserves. I fear that many of our citizen soldiers—probably at the urging of their families—will not be reenlisting if we continue to use the National Guard and Reserve the way they have been used the last several years. To ask them to go and be deployed for 6 months, 9 months, a year, with no notion of when that deployment ends is a very troublesome circumstance for the Guard and Reserve.

They are proud to serve. They have done a magnificent job. I think all of America is proud of the National Guard and Reserve. But at this point the Secretary of Defense needs to think through how we develop a rotation plan in order to be able to tell them and their families when they might be rotated back to this country, when they might rejoin their families, and when they might be reporting back to their jobs.

It is a very difficult circumstance for everyone who serves in these theaters, but it is especially difficult for those who have been mobilized and deployed as a part of Guard and Reserves. They do not complain about it. They are wonderful, brave young men and women, as are all of those who wear America's uniform, but the Secretary needs to think through how we begin rotation plans to let them and their families understand how long these rotations will last.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF SAMUEL DER-YEGHIAYAN, OF ILLINOIS, TO BE A U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The clerk will report the nomination.

The legislative clerk read the nomination of Samuel Der-Yeghiayan, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Mr. FITZGERALD. Mr. President, at 5:30 we are going to be voting on a nomination to the Federal bench for the northern district of Illinois. The nominee is Samuel Der-Yeghiayan from Vernon Hills, IL. Senator DURBIN and I have recommended Samuel Der-Yeghiayan to President Bush, who has appointed Sam, and he has been confirmed out of the Senate Judiciary Committee. I will say a couple of words in support of his nomination.

Since 1978, Mr. Der-Yeghiayan has worked in the United States Department of Justice Immigration and Naturalization Service first as a trial attorney in Chicago, later as acting district director, acting trial appellate attorney, and for about 18 years the chief district counsel for the INS in Chicago. He has a very good reputation.

Everyone, whether Republican or Democrat, from the many different communities in Chicago speaks very highly of Samuel Der-Yeghiayan. He has a very good reputation in legal circles in Illinois.

Since the year 2000 he has been acting as an immigration review judge in the United States Department of Justice Executive Office for Immigration Review. Sam Der-Yeghiayan has his JD degree from Franklin Pierce Law Center in New Hampshire. He was on the Law Review at Franklin Pierce.

There is an interesting aspect to Mr. Der-Yeghiayan's background that I think makes him somewhat unique. I am advised that he would be the first immigrant of Armenian descent ever to be named to the Federal bench. Mr. Der-Yeghiayan is himself an immigrant, having come to this country at an early age, and has done very well.

I am very proud of his nomination. I believe he is a very fine man, has a wonderful family, and he will be a great asset to our Federal judiciary.

I thank my colleagues and I thank Senator DURBIN for his support for the nominee.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Samuel Der-Yeghiayan to be United States District Judge for the Northern District of Illinois.

Judge Der-Yeghiayan has contributed much to the legal community over his 25 year career, particularly in the area of immigration law. Upon graduation from Franklin Pierce Law Center, Judge Der-Yeghiayan joined the U.S. Department of Justice as a trial attorney with the Immigration and Naturalization Service. After spending several years as a trial attorney, he was appointed District Counsel for the INS in Chicago, IL. In 2000, he became an immigration judge with the Department of Justice's Executive Office for Immigration Review, the position in which he currently serves.

Over the course of his career, Judge Der-Yeghiayan has represented the Government in deportation, exclusion, and other immigration-related hearings. He has handled issues relating to constitutional, labor, criminal, and administrative law arising from the enforcement of immigration laws. As a judge, he has presided over court proceedings and trials related to removal, deportation, exclusion, and asylum cases. He has also done a substantial amount of pro bono work educating congressional staff, State attorneys, bar associations, and law enforcement agents on immigration issues. In addition, as a judge, he provides training to pro bono immigration attorneys.

I have every confidence that he will make an excellent Federal judge. I commend President Bush for nominating him, and I urge my colleagues to join me in supporting his nomination.

Mr. FITZGERALD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announced that the Senator from Utah (Mr. BENNETT), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—89

Akaka	Allard	Baucus
Alexander	Allen	Bayh
Biden	Domenici	Lott
Bingaman	Dorgan	Lugar
Bond	Durbin	McCain
Boxer	Ensign	McConnell
Breaux	Enzi	Murkowski
Brownback	Feingold	Murray
Bunning	Feinstein	Nelson (FL)
Burns	Fitzgerald	Nelson (NE)
Byrd	Frist	Nickles
Campbell	Graham (SC)	Pryor
Cantwell	Grassley	Reed
Carper	Gregg	Reid
Chafee	Hagel	Roberts
Chambliss	Hatch	Rockefeller
Clinton	Hollings	Santorum
Cochran	Hutchison	Sarbanes
Coleman	Inhofe	Schumer
Collins	Inouye	Shelby
Conrad	Jeffords	Snowe
Cornyn	Johnson	Specter
Corzine	Kennedy	Stabenow
Craig	Kohl	Stevens
Crapo	Kyl	Talent
Daschle	Landrieu	Thomas
Dayton	Lautenberg	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wyden
Dole	Lincoln	

NOT VOTING—11

Bennett	Kerry	Sessions
Edwards	Lieberman	Smith
Graham (FL)	Mikulski	Sununu
Harkin	Miller	

The nomination was confirmed.

NOMINATION OF ROBERT C. BRACK TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order that I speak for 1 minute with reference to the nomination of Robert C. Brack, which is currently going to be accepted by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, as the manager of the legislation on the floor, I wonder if the Senator would mind, then, even though the normal order would be for the managers to go first—I have no objection to my more senior colleague going first—that I be recognized immediately after the Senator from New Mexico.

Mr. DOMENICI. I didn't know you wanted to speak. I saw the calendar said that he was going to be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, in a couple moments the Senate will approve Robert C. Brack for district court judge of New Mexico. It is not always easy to find somebody, when you recommend them and they have finished this process and received, as in this case, full approval of the Democratic Senator—the committee approved them rather quickly—it is not always easy to find that kind of person. And then secondly, it is not always easy to know that you have really got the right individual, that they are going to do justice to that terrific responsibility which is theirs for such a long period of time under our Constitution. But in this man's case, I am certain of both. I am certain he is as good as there is. Far be it for me to say he

is the very best in New Mexico. Who knows that? But he is very good at the law.

Secondly, after being good at law, he had a shot at being a judge, and he was a very good judge at the district court level where you have general jurisdiction. When you add all that together, you just feel good about it. And you can end up telling the Senate, thank you this evening in advance and the President, thank you for sending this man to New Mexico to become a district judge in our State.

I yield the floor. If I offended or sought precedence over the distinguished Senator, I did not intend to. I apologize.

Mr. LEAHY. Mr. President, there is no offense. I know no offense was meant and none was taken.

As the distinguished senior Senator from New Mexico knows, he and I consulted at some length on this nomination, and I was happy to move forward. In fact, while the Senator is still on the floor, why don't we go ahead and pass the nomination. Then I will address the Senate.

The PRESIDING OFFICER. Without objection, Executive Calendar No. 292 is approved.

The nomination was confirmed.

Mr. LEAHY. Mr. President, with that confirmation of the New Mexican judge, the Senate will now have confirmed 135 judicial nominees of President Bush. These include 35 confirmed so far this year. I mention that number of 35 because I looked back to the third year of the last Presidential term—President Clinton's—when the Republicans controlled the Senate. They only allowed 34 judges to be confirmed in all of 1999. In fact, we have now confirmed more than twice the total number of judges confirmed in the 1996 session, when a Republican Senate majority refused to consider any circuit court nominees and confirmed only 17 district court judges in that entire session.

I mention that, Mr. President, because some believe this has become politicized. Well, maybe it was for 6 years, but it is not politicized now. We have actually reduced judicial vacancies to the lowest number in 13 years. Currently, there are more Federal judges on the bench than at any time in our history. We have confirmed 35 this year, and in the 1996 session with President Clinton, the Republican Senate majority refused to consider any circuit court nominees and only confirmed 17 district court judges during the whole session—half of what we have confirmed already.

At a similar time in President Clinton's term—the third year of the term—they allowed 34 judges to be confirmed the whole year. We have done 35 so far. By every single standard, during the time when the Democrats were in the majority and now, we have confirmed far more judges at a far faster rate for President Bush than the Republican majority allowed during the time of President Clinton.

I note that in the cases of both of today's nominees, the home State Senators include both a Republican and a Democrat Senator who supported the nomination; both worked for the nomination. Working with these home State Senators makes it far easier and makes the confirmation process proceed more smoothly.

I congratulate the nominees confirmed today and the four Senators who came together in a bipartisan effort to get them through.

I yield the floor.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table and the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Delaware is recognized.

THE CLEAN AIR PLANNING ACT

Mr. CARPER. Mr. President, earlier today, Senator LAMAR ALEXANDER announced his decision on this Senate floor to join Senators GREGG, CHAFEE, and me in cosponsoring the Clean Air Planning Act.

I ask unanimous consent that Senator ALEXANDER be added as a cosponsor of S. 843.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, we are delighted at this decision. We welcome him as a cosponsor. The Clean Air Planning Act is a sensible solution to a vexing and challenging problem. We welcome the support of Senator ALEXANDER on this bill and the opportunity to work with him and other colleagues in this body to pass a strong bipartisan piece of clean air legislation later this year. Together, we can pass legislation that will control harmful emissions, provide cleaner air, and let more people live longer and healthier lives. We can do so in a way that does not impose hardship on those who produce electricity or on the consumers or an industry that relies on affordable electricity.

There are several advantages for the Nation that the Clean Air Planning Act will provide, and I want to mention several of those at this time.

First of all, let me begin with public health and environmental benefits. The Clean Air Planning Act will achieve substantially greater emissions reductions than the administration's Clear Skies Act. The Clean Air Planning Act will generate an additional 23 million tons of SO_2 reductions, 3 million tons of nitrogen oxide reductions, 240,000 pounds of mercury reductions, and 764 million tons of carbon dioxide reductions relative to the Clear Skies Act in the first 20 years of the program.

As a result, the human health benefits are likely to be substantially greater under the Clean Air Planning Act than the Clear Skies legislation. An EPA analysis has concluded that in 2020, the Clean Air Planning Act would avoid almost 6,000 premature deaths from fine particulate matter when compared with Clear Skies on an annual basis—not a cumulative basis.

Let me return to CO_2 and business certainty. From the perspective of the electric generating sector, business certainty is a major driver for the enactment of multipollutant legislation. Without CO_2 included, electric-generating companies will continue to make their investment decisions in the face of major business uncertainty. This raises the specter of stranded investments.

By lifting the uncertainty surrounding future action on CO_2, the Clean Air Planning Act creates a more favorable climate for the expansion of U.S. coal markets and stimulates the development of clean coal technologies.

Let me talk for a moment about diverse generation mix. The Clean Air Planning Act and Clear Skies will both preserve a diverse fuel mix. Both bills are projected to have minimal impact on coal use. In 2010, coal use is expected to be about 2 percent lower under the Clean Air Planning Act than under Clear Skies—50 percent versus 48 percent. Coal is projected to constitute 45 percent of the electric generating mix in 2020 under either bill, Clear Skies or the Clean Air Planning Act.

An important question is, What will it cost to buy the relative advantages of the Clean Air Planning Act?

In both 2010 and 2020, total annual electric system costs under the Clean Air Planning Act are projected to be only 2.5 percent higher than under Clear Skies. This includes the cost of regulating CO_2 under the Clean Air Planning Act. On a net present value basis, the total cost differences between Clear Skies and the Clean Air Planning Act over a 20-year period, from 2005 to 2025, is in the range of 2 to 3 percent.

The EPA itself has conceded that retail electricity prices would increase by only two-tenths of a cent per kilowatt hour more under the Clean Air Planning Act than under Clear Skies, which amounts to about $1.20 per month for the average residence.

According to the EPA, the CO_2 reduction plan could be carried out at ''negligible'' cost—that is their word—to the industry. Specifically, we can achieve the CO_2 goal in our bill—returning electricity industry emissions to 2001 levels by 2013—for approximately $300 million in additional costs on top of the $103 billion the industry will already be spending to produce electricity. That is just 0.3 percent—not 3 percent, not 30 percent, but 0.3 percent.

Let me conclude. Once again, I thank Senator ALEXANDER for having the courage to join us in this effort. I know it is not a decision that he made lightly. As a former Governor, he shares my commitment to getting things done in the Senate and in our Nation's Capital, with a commitment to focusing on policies that are the right thing for this Nation to do. Speaking for Senators GREGG, CHAFEE, and myself, we welcome the support of the junior Senator from Tennessee.

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. 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.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR PLANNING ACT

Mr. ALEXANDER. Mr. President, I want my Senate colleagues to know I have decided to join Senators CARPER, CHAFEE, and GREGG as cosponsors of the Clean Air Planning Act. I have studied major clean air proposals before the Senate and have concluded that this legislation is the best balanced proposal because it would reduce pollution emitted by powerplants while permitting the maximum possible economic growth and energy efficiency. I hope other colleagues will come to the same conclusion as the debate about how to clean America's air becomes front and center.

Cleaner air should be the urgent business before the Senate. The condition of the air in my State of Tennessee is completely unacceptable to me and ought to be completely unacceptable to every Tennessee citizen.

My home is 2 miles from the boundary of the Great Smokey Mountains National Park, which has also become the Nation's most polluted national park. Only Los Angeles and Houston have higher ozone levels than the Great Smokies. Only a few miles away from the Great Smokies is Knoxville, which is on the American Lung Association's list of top 10 cities with the dirtiest air. Memphis and Nashville—our two largest cities—are on the top 20 list. Chattanooga barely escapes the top 25 list.

This polluted air is damaging to health, especially that of the elderly, small children, and the disabled. It ruins the scenic beauty of our State, which is what most of us who grew up in Tennessee are proudest of. And it is damaging to our economic growth.

Clean air is the No. 1 priority of the Pigeon Forge Chamber of Commerce. Business leaders there at the foot of the Smokies know that visitors are not going to drive 300 miles and spend their tourism dollars to see smoggy mountains.

The mayors of our major cities in Tennessee also understand that cleaner air means better jobs. They know that if our metropolitan areas are not able to meet Federal standards for clean air, new restrictions will make it harder for auto parts suppliers and other industries to expand and bring good new jobs into our State. The mayors also know our cities cannot comply with the Federal standards without some help. Tennessee's clean air problem requires a national solution.

Much of our air pollution is our State's own doing—specifically, that which comes from emissions from cars and trucks and from the coal powerplants of the Tennessee Valley Authority. But as much as a third of our air pollution comes from outside Tennessee. Winds blow pollution south from the industrial Midwest and north from the South toward the highest mountain range in the eastern United States, the Great Smokies. And when the wind gets to the mountains, the pollution just hangs there, which is an additional reason the Great Smokies and the Knoxville metropolitan area have such a problem.

There are three major clean air proposals before the Senate. I have studied each to determine which would be the best for Tennessee and for our Nation.

The most important of these is President Bush's Clear Skies legislation. The President deserves great credit for putting clean air at the top of the agenda, as only a President can do, because his proposal relies upon market forces instead of excessive regulation. It limits costly litigation and creates certainty.

In addition, the President's proposal would take significant steps forward in reducing sulfur, nitrogen, and mercury pollutants.

Last year, during my campaign for the Senate, I made clean air a priority and often said the President's proposal is an excellent framework upon which to build meaningful clean air legislation but that it does not go far enough, fast enough to solve Tennessee's problems. The Clear Skies legislation is a good start, but it does not go far enough, fast enough in my back yard.

I believe the Clean Air Planning Act, which I am cosponsoring, is the best proposal for Tennessee and for our Nation. Here are the reasons:

First, the Clean Air Planning Act adopts the market-based framework of the President's proposal so that it also reduces regulation, litigation, and creates certainty.

Second, it would take our country farther faster in reducing three major pollutants: sulfur, nitrogen, and mercury.

Third, it extends its market-based framework of regulation to carbon dioxide with a modest requirement that by 2013 the carbon emitted by powerplants would be at 2001 levels, causing a 3- to 5-percent reduction in the overall United States projected level in 2013.

Fourth, the Clean Air Planning Act, of which I am a cosponsor, does not weaken existing laws in important ways that the Clear Skies proposal would. Here are the two ways the Clear Skies proposal does that:

First, Clear Skies would prevent Tennessee, for 10 years, from going in to court to force another State to meet the Federal clean air standards. Since pollutants blowing in from other States is one of our greatest problems, this is a legal right we do not want to give up.

Second, the Clear Skies proposals would remove the right of the National Park Service to comment on the effect of powerplant emissions more than 30 miles away from a national park. Again, since much of the pollution in the Smokies is blown in from more than 30 miles away, this is a review that ought to be considered.

While the President's proposal, in my judgment, does not go far enough, the other major proposal before this Senate goes too far too fast. It is a proposal by Senator JEFFORDS, the Clean Power Act, which requires carbon emissions of the utilities sector to be at 1990 levels by the time we reach the year 2009.

I believe this proposal would cost so much to implement that it would drive up the cost of electricity and drive offshore thousands of good jobs. It would significantly damage our economy and our future.

There is also the Climate Stewardship Act sponsored by Senators MCCAIN and LIEBERMAN which would regulate carbon emissions produced by the entire economy and does so on a very rapid timetable.

I would not support these two proposals because I am not convinced they are based upon good science. It would be foolish to take huge, expensive steps to solve problems which we do not know exist. But it is also unwise to completely ignore what we do know.

My reading of the Report of the National Academy of Sciences on Global Warming and my discussion with scientists, especially those at Oak Ridge National Laboratory, have persuaded me that some additional steps must be taken to limit carbon dioxide emissions.

The Senate is working on clean air legislation that will likely govern our production of energy and the accompanying pollution for the next 10 to 15 years. It would be unwise to do nothing, just as it would be unwise to do too much.

The President himself has recognized the seriousness of problems with carbon emissions and has initiated a voluntary program of emission reduction which is having some success. But for the next 10 to 15 years, I believe we should take the next step and institute modest, market-based caps.

It is important to recognize that our Clean Air Planning Act applies only to carbon produced by powerplants, not that produced by the entire economy. In fact, it would permit powerplants to purchase credits from other sectors of the economy which can prove to be a substantial benefit and income for agriculture.

There is still much to learn about the effect of human activity on global warming, specifically that caused by the production of carbon dioxide. I will continue to monitor the science as it is presented and make my judgment at the time based upon what I believe to be good science.

Senator CARPER has asked the Environmental Protection Agency to review our proposed legislation to determine its effect on the health of Americans, and its cost. According to the EPA analysis prepared in November of 2002—last year—the Clear Skies Act would prevent 11,900 premature deaths, 7,400 chronic bronchitis cases, and 10,400 hospital visits. Our Clean Air Planning Act would prevent 17,800 premature deaths from air pollution, 5,900 more people annually than under Clear Skies, and save $140 billion in health care costs, $50 billion more than Clear Skies.

The EPA internal analysis from November of 2002 also estimates that Clear Skies would cost electric utilities $84.1 billion in the year 2010, while our legislation would cost $86.2 billion in the year 2010. In 2020, Clear Skies would cost $100.9 billion. Our legislation would cost $103.4 billion. In short, according to that EPA internal analysis, our legislation does a better job of improving health and reducing health care costs and would cost only slightly more.

Last week, before the Senate Energy Committee, we discussed again the emergency that is being caused by a shortage of natural gas and the consequence of higher prices. Chemical companies in America are reducing salaries and pushing jobs overseas. Americans living in homes heated by natural gas should expect a 30-percent increase in their bills this winter in our State.

During the last week in July, the Senate will have the opportunity to consider both the natural gas crisis and the urgent need for cleaner air. We will be debating the Energy bill which has been reported by our committee. The bill's purpose is to encourage a diversity of cleaner, newer technologies for producing energy so that we may have a steady supply of low-cost energy and, at the same time, a cleaner environment.

Mr. President, as I said, during the last week in July the Senate will have an opportunity to consider both the natural gas crisis and the need for cleaner air. We will be debating the Energy bill which has been reported by our committee. We have worked hard on that bill, both parties. We believe we have a good bill.

The bill's purpose is to encourage a diversity of cleaner, newer technologies for producing energy so that we may have a steady supply of low cost energy and at the same time a cleaner environment. But for us to avoid facing repeated winters with higher gas prices, to avoid keeping jobs from moving overseas, and to keep our air clean and healthy, we are going to have to face some tough decisions and make different choices than we have so far been willing to make.

We need to explore for natural gas in Alaska and other offshore areas in the United States and build a new pipeline to bring it south. We need to shed our reluctance to use nuclear powerplants that we invented and join France and Japan and the rest of the world in expanding our use of this clean form of energy.

We need to advance our understanding and use of clean coal technologies, especially coal gasification. Coal produces one-half of our electricity and will continue to produce much of it for the foreseeable future.

We should increase the use of other renewable forms of energy, including solar, ethanol, and wind power. We need to get serious about sensible conservation practices, such as using alternatives to idling truck engines when truckers are stopped for a break.

I am proud to be the principal sponsor of President Bush's hydrogen car proposal which offers great promise in the long term to reduce our dependence on foreign oil and to clean our air because its fuel uses no oil or gasoline and its only emission is water.

In summary, President Bush has made a good beginning by placing clean air on the agenda as only a President can and by offering a framework to build a strong proposal. But with respect, he hasn't gone far enough, fast enough. On the other hand, my colleagues, Senators MCCAIN, LIEBERMAN, and JEFFORDS, go too far, too fast, relying on unsettled science to put controls on our economy that are unjustified and that would cost so much that thousands of jobs would go overseas.

The Clean Air Planning Act, which I cosponsor, is, in my judgment, the best balanced solution. It has the advantages of the market-based approach suggested by the President. It goes further faster than the President's proposal in reducing pollutants from sulfur, from nitrogen, and from mercury. It places modest controls on carbon, and it does not weaken the existing clean air law.

Devising a plan for maintaining the proper balance of clean air, efficient energy, and good jobs for the next 10 to 15 years deserves the urgent attention of the Senate. I look forward to being an active participant in the debate.

ADMINISTRATIVE DETENTIONS AND RIGHT TO DUE PROCESS

Mr. BINGAMAN. Mr. President, we in America firmly believe that what distinguishes our country in the history of the world is our commitment to individual liberty and freedom. At the bedrock of a free society is the obligation that the Government takes on to afford individuals certain legal protections, the most basic of which is the freedom from incarceration unless the Government can prove that you have committed a crime.

Today we are witnessing the abandonment by this current administration of our historic commitment to this most basic legal protection. The core element of due process law is the requirement that if individuals are taken into custody by the Government, then within some reasonable time, they will be advised of the crimes of which they are accused. They will be charged with those crimes and they will be prosecuted.

This administration, working through the Justice Department, headed by Attorney General Ashcroft, and the Pentagon, headed by Secretary of Defense Rumsfeld, has taken the position that as to many individuals it now has in custody, no such legal requirements attach.

It is my view that regardless of whether the person in custody is an American citizen or a foreigner, regardless of where he or she is apprehended, and regardless of the Government's preconceptions about his or her guilt, that person should be entitled to some reasonable standard of due process. Secrecy and disregard for the rule of law are not the ideals upon which a free and open society are based.

To demonstrate the basis for my concern, I would like to describe to the Senate some of the actions that have been taken in recent months by the administration. These actions fall into three different categories. There are those that affect immigrants. There are those that affect so-called material witnesses. There are those that affect so-called enemy combatants.

Let me start first with immigrants. In the case of immigrants, the inspector general in the Department of Justice has recently documented the abusive treatment of many immigrants by the FBI and the Justice Department in the period since 9/11. According to the IG's recent report, many immigrants were detained following 9/11 even though the FBI had no evidence that they were connected to terrorism. The report states that some detainees did not receive their so-called charging documents for more than 9 months after they were arrested. Even after they were charged, many detainees were held in ''extremely restrictive conditions of confinement'' for ''weeks and months with no clearance investigation being conducted.''

The Attorney General would have us accept with no dissent that extraordinary times require extraordinary measures, even if it is at the expense of individual civil liberties. In my view, the fact that these immigrants were detained on alleged immigration violations does not permit the Government to totally disregard their rights. While the 9/11 detainees were entitled to be represented by an attorney at their own expense, the inspector general found in many cases that the Government made it very difficult for detainees to obtain an attorney or to speak with that attorney on a regular basis.

I hope the newly established Department of Homeland Security, which now has jurisdiction over immigration violators, will follow the inspector general's recommendation that it ensure that ''detainees have reasonable access to counsel, legal telephone calls, and visitation privileges consistent with their classification.''

I am also troubled by the veil of secrecy which the administration has drawn around these detainees. The public and the Congress have a right to know the names of individuals detained in connection with the September 11 investigation. If we had had timely knowledge of the names of people discussed in the inspector general's report, we might have been able to shine some light on the process to ensure those individuals' rights were not violated.

Unfortunately, a recent circuit court of appeals decision allows the Department of Justice to continue circumventing the Freedom of Information Act. The decision is likely to be appealed, and I hope that the earlier court decision ordering the release of the names will be upheld. In the meantime, however, I hope the Attorney General will do the right thing and voluntarily release the names of the September 11 detainees. I was pleased to join Senators FEINGOLD, KENNEDY, DURBIN, and CORZINE last week in formally making that request. I hope the Attorney General will agree.

Now let me speak about material witnesses.

The second way in which the administration has been detaining people is under the authority of the material witness statute. This little-known statute permits the Government to arrest and detain a potential witness whose testimony is material in a criminal proceeding and who is likely to flee. The statute says:

> Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

The issue here is the manner in which the statute has been applied and, in addition, the unreasonable length of time the administration has detained some individuals under this statute.

On the first point, the administration appears to be using the material witness statute to detain some individuals without any intention of ever calling them to testify before a grand jury. In fact, a Washington Post article published last November reviewed 44 material witness cases. In 20 of the 44, the material witnesses were never called to testify.

I share the concern of those who believe the administration is misapplying the statute in order to hold individuals without due process while those individuals themselves are being investigated. I would like to give the administration the benefit of the doubt, but their answers to a recent House Judiciary Committee inquiry shed little light on their intentions. In those answers, they stated:

> We can only provide information about those material witnesses whose status has been made public in court proceedings.

The administration also refuses to provide the public with the specific number of people who have been detained, saying only that:

> As of January 2003, the total number of material witnesses detained in the course of the September 11 investigation was fewer than 50.

Again, the public and the Congress are faced with the veil of secrecy. Tell me, Mr. President, what is the harm to national security in revealing the specific number of people who have been detained under the material witness statute or the list of charges that have been brought against such people? The public and the Congress have a right and an obligation to know.

One last troubling point is the unreasonable length of time many material witnesses have been held. Again, the Justice Department refuses to provide any specific information. I know Senator LEAHY has written to the Attorney General for more information on actions that have been taken under the material witness statute. He has requested a response by the end of this week. I very much hope that that response will be forthcoming. We need to know more about the Justice Department's use of the material witness statute, and the Congress needs to study whether changes should be made to ensure that due process is followed for individuals who are detained under this statute.

Finally, we come to the third category of individuals who have been detained; that is, individuals the administration deems to be ''enemy combatants.''

To date, the administration is holding three individuals within the United States as enemy combatants, and close to 700 are being held at the United States military base at Guantanamo Bay, Cuba. In all cases, these individuals are being held incommunicado, with no access to counsel and no opportunity for judicial review.

It is not unreasonable to ask who qualifies as an ''enemy combatant.'' Since the Justice Department will not reveal the identities of many of the people it is holding, it is very difficult to tell. Most of these individuals were taken into custody in Afghanistan or Pakistan and are alleged to have been engaged in action against United States troops. At least a few of those held as enemy combatants are citizens of allied countries. According to the Financial Times, nine of those being held in Guantanamo are British citizens. At least one, Jose Padilla, is a U.S. citizen being held in South Carolina. Another, Ali Saleh Kahlah Al-Marri, is a citizen of Qatar and had been scheduled to go on trial this month in Illinois on charges of lying to the FBI. With the trial date approaching last month, the Justice Department removed him from the court system and jailed him in a Navy brig in South Carolina. Now that he is an enemy combatant and is classified as such, our Government takes the position that he need not be charged with any crime, he need not be given a hearing, his attorney is denied the right to see him, and he can be jailed indefinitely by the military in this condition.

President Bush has announced that 6 of the 700 or so ''enemy combatants'' will be tried by a military tribunal. There are serious questions about the procedures intended to be used in those trials. But even more serious questions relate to those who remain in jail without any prospect of charges being brought or trials being conducted.

The obvious question is: Where do we go from here with regard to these individuals?

The administration has labeled these people ''enemy combatants'' and has asserted the right to keep them incarcerated, presumably until our enemies are vanquished. But the President has made it clear that the ''war on terrorism'' in which we are engaged is of indefinite duration.

Is it the President's view that we can keep these individuals in prison in Guantanamo from now on without revealing who they are, without charging them with crimes, without affording them a hearing at which they can protest their innocence?

This is not a tenable position. This is not consistent with the commitment to liberty and the rule of law on which this country was founded. We demand that other governments show greater respect for human rights than this, and we should demand better from our own Government as well.

Let me say what I hope is obvious; that is, I am not advocating the release of these individuals. What I am advocating is that we afford them the right to be charged and to be tried for their alleged crimes. Most of those designated as enemy combatants have been in custody for more than 18 months without being charged.

The Bush administration takes the position that they are not prisoners of war and, therefore, do not enjoy the protections of the Geneva Convention. Our Federal courts take the position that these individuals are in Guantanamo, not within territory controlled by the United States, and therefore the courts have no authority to ensure that basic rights are protected.

In the case of Al Odah, et al, v. United States, the U.S. Court of Appeals for the District of Columbia sidestepped any responsibility for the enforcement of the Constitution by deciding that it had no jurisdiction over the detainees at Guantanamo. The argument used was that since the United States only occupies Guantanamo Naval Base under a lease it signed with Cuba in 1903, therefore, the court reasoned that Cuba is the sovereign nation with jurisdiction in Guantanamo and presumably the detainees should look to Castro for a remedy.

The end result of all this legal maneuvering and sidestepping is that with regard to these individuals, our own Government has successfully managed to avoid and evade any obligation to abide by procedural due process.

In the view of our Attorney General and the Secretary of Defense, there is

no obligation to bring charges, there is no obligation to afford a hearing within a reasonable period of time, there is no obligation to permit legal counsel, and, in fact, there is no obligation to reveal who is being held in this enemy combatant status.

The Attorney General further asserts that if a prosecution in the court system is not proceeding in a promising manner, he has the prerogative of unilaterally removing the defendant from the court system and jailing him for an indefinite period without the need to prove the individual's guilt.

The administration's treatment of immigrants, material witnesses, and persons labeled as ''enemy combatants'' makes a mockery of our professed commitment to individual rights. Our great Nation does not have to abandon its Constitution and trample on the individual rights we hold dear to deal with the threats of a modern world. Terrorism is a threat to our Nation, but the undermining of our constitutional rights is also a threat.

The idea of America is admired and emulated all over the world, in large part because we believe that the right to liberty is fundamental. In those circumstances when the State has reason to deprive a person of liberty, that individual should have the right to know what he or she is charged with and to have access to meaningful review of those charges.

I urge the President, the Attorney General, and the Secretary of Defense to advise the Congress and the American people of the steps they will take to afford basic procedural rights to all those I have discussed here. Too many generations of Americans have fought to protect these rights for us to look the other way as they are being denied and disregarded. Our children and grandchildren would expect better of us, and we should expect better of ourselves.

Mr. President, I yield the floor.

AMERICORPS FUNDING

Mr. LEAHY. Mr. President, I am pleased that the Senate showed its strong support for the AmeriCorps program on Friday by defeating an amendment to strip the $100 million in emergency fiscal year 2003 funding that we in the Senate Appropriations Committee provided as part of the fiscal year 2004 Legislative branch spending bill. Without these emergency funds, Vermont will lose all but 15 to 20 of its over 100 AmeriCorps volunteers, and communities across the Nation are facing similar losses.

The dedicated young people who have answered AmeriCorps' honorable call to service contribute enormously to the strength of our communities. Whether they are helping to house the homeless, feed the hungry, or keep disadvantaged youth safe in fun and educational afterschool activities, they are often filling a sorely needed gap that the community cannot otherwise fill.

We must not let this vital part of our social safety net to unravel in Vermont and across the Nation, and that is why I am pleased to have cosponsored Senator MIKULSKI's amendment in the Appropriations Committee to add $100 million for AmeriCorps, and why I voted on Friday to defeat the amendment to strip the money out. I urge all of my colleagues in Congress, as well as the President, to support this emergency funding.

Mr. KOHL. Mr. President, I rise today in strong support of the $100 million included in the legislative branch appropriations bill for the AmeriCorps service program. It gives me great pride to know that more than 27,000 people of all ages and backgrounds are helping solve problems and strengthen communities through 79 national service projects across Wisconsin. This year alone, more than 700 individuals have committed to serve in Wisconsin communities as AmeriCorps members. To date, more than 3,900 Wisconsin residents have qualified for education awards totaling more than $17,000,000. It is a tragedy to think just a few days ago, all of this may have been brought to a halt. It is with the swift action of the Senate last Friday, in preserving the $100 million appropriation to make AmeriCorps whole, that we are able to ensure that AmeriCorps continues to provide every opportunity for Americans of all ages and backgrounds to engage in service.

AmeriCorps has proven an excellent outlet through which people may get involved in their community. Throughout the State of Wisconsin, AmeriCorps volunteers work closely with local nonprofit agencies and K through 12 schools. These individuals perform substantial amounts of direct service that have benefited our State's citizens. They are tutoring and mentoring students in schools and afterschool programs, teaching children and adults how to read, building and rehabilitating low-income housing, providing street outreach to runaway and homeless youth, cultivating community gardens, and most importantly, demonstrating to others the joy that a selfless act can bring and in return, recruiting others to become volunteers.

As our Nation faces a period of uncertainty, AmeriCorps programs are in a position to help build a stronger, more engaged citizenry while tackling some of our country's most pressing problems. Last week, the Senate was able to show its commitment to volunteerism all across the country by sustaining such a vital program at such a crucial time. I am pleased that the Senate voted to maintain this funding in the bill, and I hope that the House of Representatives will agree in conference to retain it. Without such action, the critical services AmeriCorps programs have provided over the years would not be possible and the communities that have come to rely on AmeriCorps would suffer.

EXTENSION OF NORMAL TRADE RELATIONS TO SERBIA AND MONTENEGRO

Mr. VOINOVICH. Mr. President, I rise today to express my support for Senate Amendment No. 1149, which would grant the President the authority to extend normal trade relations to Serbia and Montenegro.

As my colleagues may be aware, Serbia and Montenegro is one of just four countries that is currently denied normal trade relations, NTR, by the United States. Others in that group include North Korea, Cuba and Laos. Although there are certainly challenges in Serbia and Montenegro that must be addressed, as we discussed during a hearing of the Foreign Relations Committee 2 weeks ago, there is no doubt among my colleagues that this country no longer belongs in this category of ''bad actors.''

While the President has the authority to extend normal trade relations to most countries, the case of Serbia and Montenegro is different. In 1992, Congress revoked most favored nation status for Yugoslavia in response to the policies of former Yugoslav dictator Slobodan Milosevic, who was supporting nationalist Serbian aggression in the conflicts in Croatia and Bosnia.

The legislation passed in 1992, P.L. 102–420, prohibits the extension of normal trade relations to Yugoslavia, now Serbia and Montenegro, until certain conditions have been met. The President must certify that Serbia and Montenegro has ceased armed conflict with other peoples of the former Yugoslavia, agreed to respect the borders of the former Yugoslav states, and ended all support to Bosnian Serb forces.

As written, the law intended to stop Milosevic from aiding Serbian forces responsible for brutal atrocities during the 1990s. There is no doubt that the situation in Serbia and Montenegro has changed, and that the spirit of these conditions has been met. However, some support for Bosnian Serb forces is permitted under the Dayton Peace Accords signed in 1996. Given the situation on the ground in the early 1990s, the legislation enacted in 1992 did not provide the flexibility for this situation. As such, a legislative fix is required to permit the President to extend NTR to Serbia and Montenegro.

With Milosevic behind bars at The Hague and the current government taking action to promote democratic reforms following the assassination of Serbian Prime Minister Zoran Djindjic on March 12, 2003, I believe that it is time to take action to extend normal trade relations to Serbia and Montenegro. While we should continue to call on Serbia and Montenegro to meet its international obligations to apprehend war criminals and cooperate with the International Criminal Tribunal for the Former Yugoslivia, we should take this step to promote trade, economic development, and improved relations between the United States and Serbia and Montenegro.

Many of my colleagues agree. A provision to give the President the authority to extend NTR to Serbia and Montenegro is included in S. 671, the Miscellaneous Trade and Technical Corrections Act of 2003. While this is an appropriate vehicle for this measure, I am frustrated that this important piece of legislation is being held up indefinitely in the Senate. I submit for the record a letter of June 26, 2003, signed by myself and 65 of my colleagues calling for Senate passage of this bill.

As a member of the Senate who pays close attention to developments in southeast Europe, I am committed to doing all that I can to make sure that this critical piece of legislation is passed during this session of Congress, and I am hopeful to work closely with my colleagues to get this done as soon as possible.

I ask unanimous consent that the June 26, 2003 letter be printed in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

JUNE 26, 2003.

Hon. BILL FRIST,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: We are writing to express our support for quick Senate action on the Miscellaneous Trade and Technical Corrections Act of 2003 (S. 671). The House of Representatives passed similar legislation in the 107th Congress, but the Senate was unable to complete action on it before the Congress adjourned. On March 5, 2003, the House of Representatives again overwhelmingly approved this important legislation. The United States Senate has an opportunity to pass a non-controversial bill that will provide crucial savings and an economic boost to U.S. manufacturers, consumers, and workers. However, this important legislation is stalled awaiting action in the Senate.

For more than 20 years Congress has regularly utilized the Miscellaneous Tariff bill procedure to move non-controversial and largely technical trade legislation. S. 671 accomplishes three vital measures: (1) it enables eligible U.S. companies to import products duty free if the product is not manufactured domestically; (2) it helps create jobs for American workers by allowing companies to be more competitive and function more cost efficiently; (3) it significantly reduces costs for U.S. consumers. Should the Miscellaneous Trade and Technical Corrections Act of 2003 fail to pass the Senate a second time, any future opportunity for businesses to benefit from this valuable procedure may be jeopardized.

Failure to enact the duty suspensions in S. 671 has resulted in extraneous costs to U.S. manufacturers—through taxes paid on imports that cannot be purchased domestically—of roughly $32 million dollars in just the first five months of this year. Manufacturing in the United States had undergone 33 months of declining employment, and this bill will create immediate benefits to American businesses and will strengthen our economy. We strongly urge you to take the necessary steps to move this legislation without further amendments under normal Senate procedure.

Thank you for your time and consideration of this matter. Please do not hesitate to contact us should you require additional information regarding this request.

Sincerely,

Senators Alexander, Allen, Bayh, Biden, Bingaman, Bond, Breaux, Brownback, Bunning, Campbell, Cantwell, Carper, Chafee, Chambliss, Clinton, Cochran, Coleman, Collins, Conrad, Cornyn, Corzine and Craig.

Senators Dayton, DeWine, Dodd, Domenici, Durbin, Edwards, Ensign, Enzi, Feinstein, Graham of South Carolina, Hagel, Harkin, Hatch, Hollings, Hutchinson, Inhofe, Inouye, Jeffords, Kennedy, Kerry, Kyl, and Landrieu.

Senators Lautenberg, Leahy, Lieberman, Lincoln, Lott, Lugar, McCain, Miller, Murkowski, Murray, Nelson of Nebraska, Pryor, Roberts, Santorum, Schumer, Smith, Snowe, Talent, Thomas, Voinovich, Warner, and Wyden.

Mr. LUGAR. I support Senator VOINOVICH's efforts to promote normal trade relations with Serbia and Montenegro. Serbia and Montenegro is one of only a handful of countries that do not have normal trade relations with the United States, and the lack of normal trade relations subjects Serbia and Montenegro to high tariff rates, making it difficult for them to grow their economy.

While I do not believe that the State Department authorization bill is the appropriate vehicle for this important legislation, I share the concern of Senator VOINOVICH and so many other members that the miscellaneous tariff reduction legislation, which includes the provision granting normal trade relations to Serbia and Montenegro, move forward expeditiously.

This legislation has been held up for six months for reasons unrelated to any of the provisions in the legislation. In addition to the provision for Serbia and Montenegro, the legislation contains a number of tariff eliminations that help U.S. companies and workers, as well as three provisions that are important for economic development in Africa.

Recently I joined 65 of my colleagues in signing a letter to Senate Majority Leader FRIST urging him to bring the legislation up under normal Senate procedures. It is my hope that this legislation will pass the Senate soon.

I thank my colleague for raising this important issue, and I pledge to work with him on its passage.

Mr. GRASSLEY. I rise in strong support of granting normal trade relations status to Serbia and Montenegro, which was revoked from Yugoslavia under U.S. sanctions in 1992. Senator VOINOVICH submitted an amendment to the Department of State Authorization bill to grant normal trade relations status to Serbia and Montenegro. However, because this matter is within the jurisdiction of the Finance Committee, which I chair, I felt it necessary to object to including the provision on that piece of legislation.

Still, I understand Senator's VOINOVICH's frustration. The Finance Committee reported out legislation which would renew normal trade relations status for Serbia and Montenegro on March 20, 2003, in the Miscellaneous Trade and Technical Corrections Act of 2003, S. 671. This bill generally passes each year by unanimous consent in the Senate.

Unfortunately, the Miscellaneous Tariff Bill has been held up for months by the insistence of some Senators on including an unrelated, controversial provision to the bill. This provision cannot be included in the bill because other Senators will object. By holding up this important piece of legislation, U.S. manufacturers and workers whose businesses rely on duty suspensions are being harmed. They are losing money, and facing the possibility of laying off workers every day that we fail to act.

This is important legislation, and I know that I am not the only one who thinks so. Sixty-six of my colleagues sent a letter to the Majority Leader, urging him to bring up S. 671 for a vote. I support their efforts, and hope this vitally important legislation will move as soon as possible. I would like to thank Senator VOINOVICH for raising the issue, and ask that all my colleagues recognize not only the importance, but the urgency of this legislation.

I will submit for the record a letter in support for NTR for Serbia and Montenegro, from the America's Development Foundation, ADF, a nonprofit organization assisting the international development of democracy. The ADF is working in Serbia to promote economic and social development through a program called Community Revitalization through Democratic Action, or CRDA.

I will continue to try and pass normal trade relations for Serbia and Montenegro and appreciate my colleague's strong support and advocacy on the issue.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICA'S DEVELOPMENT FOUNDATION,
Alexandria, VA, July 3, 2003.

Senator CHARLES E. GRASSLEY,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: Thank you for your leadership in passing S. 671 out of the Senate Finance Committee. As you are well aware this measure contains provisions that will grant historic Normal Trade Relations (NTR) status to Serbia & Montenegro.

America's Development Foundation (ADF) is a U.S. nonprofit private voluntary organization dedicated to the international development of democracy. We are very interested in the economic and social development of Serbia & Montenegro. Among our many activities around the world, we are now engaged in revitalizing 70 communities located in 12 municipalities comprising more than a million people in the Vojvodina region of Serbia. Our broad portfolio of work is supported by the United States Agency for International Development (USAID) and includes providing assistance for income generating activities for farmers and small and medium enterprises.

ADF is strongly supportive of the Bush Administration and your Congressional leadership in highlighting the clear linkages between development and trade. The economic growth supported by free trade and open markets creates new jobs and increased income for many people. From our direct/experience working in Serbia, ADF sees a wonderful potential in further advancing such linkages. NTR for Serbia & Montenegro will promote its economic and social development and enhance the prospects for strengthening democracy. Perhaps most importantly, NTR for Serbia & Montenegro is in our nation's direct national interests. Open markets and increased investment will result not only in benefiting the people of Serbia & Montenegro but also U.S. investment, trade and other important strategic interests.

Thank you for championing S. 671. ADF looks forward to quick passage of the bill by the U.S. Senate.

Sincerely,

MICHAEL MILLER,
President.

HEAD START PROGRAM

Mr. ROCKEFELLER. Mr. President, today I rise to express my opposition to any proposed changes to Head Start that would dismantle the program. I understand the Bush administration is attempting to turn the Head Start program into a State block grant. A block grant is an amount of money that the Federal Government gives to the States for a specific purpose. Head Start is a well-respected program with a record of success. It is a comprehensive program that helps disadvantaged children and their families with early child development, literacy and health screenings. Why would we want to block grant a successful program? Too often block grants become an excuse to cut funding in the future. I do not believe that Head Start would be improved by changing successful local programs by imposing a new layer of administration at the State level. I am distressed to know that so many children of low-income families will be denied the opportunity to enhance their early childhood development.

The Head Start program was designed to help communities meet the needs of underprivileged preschool children from ages three to five and their families. Head Start provides diverse services in four areas—education, health, parent involvement, and social services. Head Start's educational program is designed to meet the needs of each child, the community served, and its ethnic and cultural characteristics. Every child is involved in a comprehensive health program, which includes immunizations; medical, dental, and mental health; and nutritional services. An essential part of Head Start is the involvement of parents in parent education, program planning, and operating activities. Finally, specific social services are geared to each family.

The West Virginia Head Start Association represents 24 Head Start programs statewide. Each Head Start program is unique in providing services to their families to meet the specific needs in the community. In 2000–01, West Virginia Head Start programs received funding to enroll 6,700 children. Over the years, I have enjoyed visiting local Head Start programs to visit with children and meet with parents, teachers and staff about the importance of early education.

From the early stages of the Head Start program, Head Start has expanded to include services for pregnant women and children under the age of 3. The goal of Early Head Start is to encourage the development of infants and toddlers by assisting parents in recognizing their value as the caregiver and teacher of their children. Early Head Start provides services in and out of the home to families with young children and expectant families. They include parent education, nutrition services, case management, and support groups for parents. In 2000–01, West Virginia received funding to enroll 325 children in 12 counties.

Early childhood development provides a safe and structured learning environment that prepares our sons and daughters to succeed to the best of their abilities regardless of ethnic background and income level. Since 1965, the program has been providing services to increase a child's readiness for school. Rather than restructuring Head Start, we should build on its success and invest in professional development, quality and expansion to cover more children.

It is disappointing that the Bush Administration is trying to reorganize Head Start rather than investing in its strengths. I hope that the Senate will take a bipartisan approach to the reauthorization of Head Start, and build on the success of Head Start, not dismantle it. When I was Chairman of the Children's Commission years ago, our bipartisan Commission called for full funding of Head Start so that all eligible children were served. Serving all children and continuing to invest in quality should be our goals for the reauthorization of this program so that our children truly enter school ready to learn.

IN REMEMBRANCE OF STROM THURMOND

Mrs. HUTCHISON. Mr. President, it is a privilege today to pay tribute to the memory of the late Strom Thurmond. Often outspoken, sometimes controversial, but always passionate, Strom was an unparallel servant of the people. He always put his Nation first, whether in combat on the beaches of Normandy or here in the halls of the Senate.

He made a career of giving back to his country. But he was also a wonderful human being.

Strom often reminded me that Colonel William Barret Travis, who was in command at the Alamo, was from his home county in South Carolina. While Strom himself missed the Alamo by a few years, he demonstrated that he too embodies the spirit of the Alamo and the sense of duty and commitment to his country that we Texans associate with Colonel Travis.

Strom's journey into the history books began back in the 1920s when he graduated from his beloved Clemson.

He went on to become a teacher and athletic coach, county superintendent of education, town and county attorney, eleventh circuit judge, South Carolina governor, soldier, president of the Reserve Officers Association and finally, a U.S. Senator—a position he held for a remarkable 48 years. For many, that would be five lifetimes of careers. But not Strom. It was just enough to keep him busy for the century he was on this Earth.

Strom lived every day of his life to the fullest.

I'm still amazed that he volunteered to return to active duty military service, though he was way past the age of being drafted. At the age of 41 he flew onto the beaches of Normandy in a glider—staring death in the face, and smiling.

He served in the Pacific and European theaters, earning 18 decorations, medals and awards including the Legion of Merit, the Purple Heart, and the Bronze Star for Valor. He rose to the rank of Major General in the U.S. Army Reserves.

In the Senate Strom focused particular attention on taking care of our men and women in the military.

I served with Strom while he chaired the Armed Services committee and saw the reflection of his time in the service in everything he did. He worked for one purpose—to ensure our country's national defense remained strong. From military health care to quality of life for service members and their families, he knew that to recruit and retain our Nation's finest, we had to treat them well.

The Capitol has not been the same since Strom left last year. The wit and wisdom he collected over a century of living made him one of the most entertaining and enlightening figures in modern politics. There will always be an empty place in the heart of the Senate created by his absence.

The eulogies that came from both sides of the aisle at his memorial service last week were testament to the evolution Strom undertook during his time in the Senate. A career once marked by division ended in unity and with dignity.

He will be greatly missed by his family, friends, colleagues and his country. He began his career in public service as a coach—eight decades later he was a coach and teacher to us all to the very end.

TAIWAN

Mr. BUNNING. Mr. President, I want to take a few moments and talk about Taiwan which has been a reliable friend and ally of the U.S. in Asia for over 50 years. After the terrorist attacks of

September 11, Taiwan quickly announced its support for the allied war against terrorism. Taiwan has since supported the ally efforts to rid Iraq of Saddam Hussein and has offered humanitarian and developmental assistance in rebuilding Iraq for a free Iraqi people. For that, we certainly owe Taiwan a great deal of thanks.

Taiwan has shown itself to be a democratic and freedom embracing republic even while it has undergone threats posed by the People's Republic of China, PRC. As the world focuses on continuing tensions in the Middle East and Africa, the nuclear situation in North Korea, and other threats, we must not ignore the military threat posed by the PRC to our friends in Taiwan. The United States must continue to stand with Taiwan. It is an island of freedom that must be supported.

Aside from simply supporting Taiwan's democratic principles of open elections, human rights, and freedom of assembly and religious beliefs, we must also work to help them with their economy and support of markets and trade. I hope at some point the United States takes a serious and significant step in further strengthening our economic and political ties through a free trade agreement.

Taiwan is the United States' eighth largest trading partner and its largest investment partner. A study produced by the U.S. International Trade Commission showed a net gain of $3.4 billion for the U.S. economy from a free trade agreement with Taiwan. And this benefits both American workers and businesses as well as those in Taiwan. It seems to be a winning situation for both Taiwan and the United States. With Taiwan's recent accession to the World Trade Organization, now is the right time to seriously consider beginning free trade negotiations with Taiwan.

While some say a free trade agreement may muddle our and Taiwan's relationship with the PRC, I am hopeful such an agreement will benefit all. An agreement could bring about a moderation and softening in the PRC's stance toward Taiwan; treating Taiwan as a partner to help it modernize and foster in itself democratic reforms.

Also, we need to make sure the United States stands behind Taiwan and helps put an end to the PRC's military might and strategic deployments which at times paint a real disturbing and threatening picture for Taiwan. The PRC has accelerated its military buildup and now has over 400 M-class missiles along its southeastern coast. And too many times the PRC has routinely conducted live-fire practicing around the Taiwan Strait.

When the PRC conducts these exercises, it further destabilizes the region. It undermines the right of the people of Taiwan to live without intimidation and threats from the PRC. The PRC even sought to keep Taiwan from seeking assistance of the World Health Organization during the SARS outbreak, which in fact originated on mainland China and still somewhat remains a problem in Asia.

We cannot stand by when the PRC provokes Taiwan. Even as we deal with pressing issues around the world, we must not lose sight of our vital interests in Taiwan. I strongly supported President Bush's approval in April of 2002 of a sale of Kidd-class destroyers, anti-submarine P–3 ''Orion'' aircraft, and diesel submarines to Taiwan. In accord with the Taiwan Relations Act, we must continue to speak out in defense of Taiwan, and use our strongest diplomacy to urge the PRC, as a responsible member of the international community, to abandon its rhetoric and provocative actions, and maintain a dialogue with democratic Taiwan.

While we are so heavily engaged with the war on terrorism and involvement in Iraq, we must not lose sight of the democratic and freedom-loving Taiwan. I urge my Senate colleagues to encourage Taiwan to be strong and firm with its democratic principles, and I urge this body to make sure we stand up for and support Taiwan when she needs it the most. A strong Taiwan is not only good for her and her people, but it is a beacon of hope and encouragement for all those who have struggled and fought for democracy and the freeing of the human spirit. I thank the Senate for allowing me to raise these issues, and may God bless Taiwan—the Republic of China—richly.

HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Batesville, IN. Sgt. Chad L. Keith, 21 years old, was killed in Baghdad on July 7, 2003 when he was ambushed while on patrol with his unit. Chad joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Chad was the eleventh Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Today, I join Chad's family, his friends, and the entire Batesville community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Chad, a memory that will burn brightly during these continuing days of conflict and grief.

Chad Keith spoke to his mother over the phone only days before his death, telling her that he was hot and tired, but proud to be making a difference in the world and following in the footsteps of several of his uncles who also served in the military. He was described by teachers and classmates as a polite, respectful young man who always had a smile on his face.

Chad was born in Pennsylvania, then moved to Newark, OH, before his family settled in Batesville. Chad graduated from Batesville High School in 2000 and then joined the Army, where he was assigned to the elite 82nd Airborne. Friends and family say that serving in the military had been a lifelong dream for Chad, who was only days away from being promoted to sergeant, an honor that now has been awarded posthumously. Chad leaves behind his parents, Kimberly and Mark Hitzges, two sisters, Courtney and Nicole, and a brother, Alex.

As I search for words to do justice in honoring Chad Keith's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Chad Keith's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Chad L. Keith in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Chad's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES HOLLINGSHEAD

• Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and honor an outstanding citizen of Mississippi, Mr. James Hollingshead of Waynesboro, who recently displayed extreme heroism and bravery while in Destin, FL.

On Sunday, June 8, 2003, Mr. Doyle Mosley and his wife Linda were enjoying their annual family vacation in Destin, FL. During the day, the waves had become increasingly high and a red flag had been put out by the lifeguards warning of potentially dangerous waves. The Mosleys' two oldest grandsons ventured into the water with their wake boards. Instantly they were caught in a dangerous and deadly riptide.

While one of the boys was able to remain on his board and return safely to shore, the other, Cal Tackett, was in

serious danger. James Hollingshead, a complete stranger to the Mosleys and their grandsons, was walking down the beach with his wife when he saw what was occurring. Although he was a total stranger, he immediately rushed into the water in an effort to save Cal, risking his own life. After much struggle and effort, Mr. Hollingshead and Cal eventually made it safely to shore. Although Mr. Hollingshead was unaware of it at the time, ironically enough, the Mosleys are also Mississippians—residents of Greenwood.

This fortunate and happy outcome to a potentially disastrous situation can only be fully understood and appreciated when put in perspective. I understand nine people lost their lives on this beach on that tragic day. Thanks to the bravery and unselfish act of James Hollingshead, Cal Tackett and the Mosley family were spared this outcome.

It is all too easy for us in the rush of our daily lives to turn a blind eye to the needs of others and forego lending a hand to our fellow citizens in need. On the fateful day of June 8th, James Hollingshead made a different choice, a choice that made all the difference in the lives of the Mosley and Tackett families. He set an example for all of us that should not be ignored or forgotten. That is why I felt compelled to share with you this story of bravery and courage. To quote the Mosleys, ''. . . it is so wonderful to know that there are people like James Hollingshead, who care and act unselfishly for a fellow citizen.'' Mr. Hollingshead, thank you for your courage, bravery and a job well done.●

IN RECOGNITION OF GOODSPEED MUSICAL'S 40TH ANNIVERSARY

● Mr. DODD. Mr. President, I wish to congratulate Goodspeed Musicals of East Haddam, CT, which is celebrating its 40th anniversary on July 16, 2003.

Goodspeed has come a long way in 40 years. It was originally formed in 1959 to save the historic Goodspeed Opera House from destruction. Not only did Goodspeed Musicals succeed in that effort, it restored the 19th century landmark to its former glory, and reopened it in 1963 as a professional theatre.

In the four decades since, Goodspeed Musicals has played a vital role in perpetuating and promoting the art of musical theatre—not only in the State of Connecticut but nationally and even internationally. From its modest beginnings, Goodspeed has gone on to produce over 186 musicals, including 43 world premiere productions and 16 that went on to Broadway.

In addition to performances at the Goodspeed Opera House, Goodspeed Musicals now also stages shows in the Norma Terris Theatre in Chester. Its growth is a testament to the hard work of so many Goodspeed employees, volunteers, members, and supporters, and to the enjoyment and wonder that musical theatre can instill in so many people.

Over the years, Goodspeed has showcased classics by composers such as Gilbert and Sullivan and Cole Porter. But it has also been a palace where emerging artists have been able to develop their work and present it to audiences for the first time. It has produced more than 63 new shows—the largest number of new musicals for any theatre in America.

Productions such as Annie, Man of La Mancha, and Shenandoah had their world premieres at Goodspeed. And countless actors, musicians, choreographers, directors, and other members of the theatre community have had their careers advanced and enriched by working at Goodspeed.

Goodspeed productions that have made it to Broadway have earned over a dozen Tony awards. And for its contributions to American musical theatre, Goodspeed Musicals has earned two Tony awards of its own.

In addition to producing musical theatre, Goodspeed Musicals has also devoted itself to promoting understanding the art form. At Goodspeed's Max Showalter Center for Musical Theatre Education, students—both professional and amateur—gain a greater appreciation of all aspects of musical theatre and also participate in training and development programs that help them put their knowledge into practice.

Goodspeed has become an integral part of a rich and vibrant arts culture in the State of Connecticut. Along with the Shubert and Long Wharf Theatres in New Haven, the Bushnell and the Hartford State in our State's capital, and numerous other theatres, production companies, and musical groups, Goodspeed provides an environment where musical theatre and the performing arts can, and will, continue to thrive and flourish.

On a personal note, as a resident of East Haddam and a member of Goodspeed's Board of Directors, I have enjoyed many a magical evening at the Goodspeed Opera House. And it is my fervent hope that Goodspeed Musicals will continue to inspire and entertain for many years to come.

I offer my warmest congratulations to Michael Price, the remarkably talented Executive Director of Goodspeed Musicals, and to everyone who has been a part of Goodspeed over the past 40 years. I wish them and Goodspeed Musicals nothing but continued success in the future.●

TRIBUTE TO RENEE HAMMOND

● Mr. SESSIONS. Mr. President, it is my privilege today to recognize Renee Hammond of Dora, AL. On May 10, 2003, Mrs. Hammond was vacationing in Florida to recuperate from eye surgery. As she was walking on the beach with friends, she noticed some commotion near the water's edge. Two teenage girls had gotten caught in a strong undertow. A man from a nearby condominium ran into the water and quickly pulled one of the girls to safety. However, a policeman, who had gone in the water first, barely made it to shore with the younger of the two girls. Mrs. Hammond, with the help of another woman, pulled the young girl onto the beach and began to perform rescue breathing. After only a few moments, the girl was gasping for air, coughing up water, and eventually breathing some on her own. Mrs. Hammond persisted in helping the girl by gently patting her on the back as she continued coughing up water. Eventually the paramedics arrived on the scene and took over. Mrs. Hammond maintained her compassionate, helpful manner as she checked on the others involved in the incident, including the policeman that had rescued the girl. As her husband stood amazed and impressed by her natural ability to give care, Mrs. Hammond proved humble, commending the paramedics for a job well done.

Renee Hammond is a shining example of a nurse and a citizen, serving not only in her work environment, but also in a sudden time of need to help save the life of a stranger. As a nurse in Walker County, AL, she is a heroine everyday in the lives of those she helps. As a self-sacrificing, brave woman, Mrs. Hammond is a heroine to that young girl from the beach and to the rest of us. Her example serves us as citizens, encouraging us to be honorable, to do the right thing, and to put the needs of others before our own.

Renee is the wife of J.R. Hammond, a mine worker, who is also a remarkable man. He has been a tremendous advocate for the American ''working man.''

Mr. President and members of the Senate, please join me in recognizing Renee Hammond as a heroine among us.●

90TH BIRTHDAY OF VIRGINIA DAVIS GILL, PH.D.

● Ms. COLLINS. Mr. President, I rise today to express my congratulations and best wishes to Virginia Davis Gill, Ph.D., on the occasion of her 90th birthday.

Born on July 17, 1913, Dr. Gill has dedicated her life to public service. Her career as a social worker, a school teacher, and a health administrator spanned over seven decades, reflecting Dr. Gill's commitment to serving her community. Indeed, Dr. Gill did not retire until she was 75 years of age.

Throughout her career, Dr. Gill's leadership included active involvement in the American Red Cross and serving as a national board member of United Cerebral Palsy. Following her retirement, Dr. Gill was selected to attend the 1995 White House Conference on Aging.

Dr. Gill lives in my home State of Maine, but she is loved here in Washington, DC, as well. Our own Attending Physician of the Capitol, the distinguished Dr. John Eisold, is presenting an American flag to his longtime friend to honor her birthday.

Together with Dr. Gill's brother, Mr. Wadsworth Davis, and her son, Mr.

Walter Gill, I join in saluting the life of this remarkable woman and in wishing her the happiest of birthdays.●

LOCAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Houston, TX. On September 21, 2001, a 30-year-old political refugee from Iraq was returning home at approximately midnight when he was threatened and injured by a gunman. As he opened his car door, the victim was approached by a young man who greeted him in Arabic. Suddenly, the attacker drew out a handgun and pointed it to the victim's head. When the victim offered money, the gunman said, ''I don't want your money. Your people killed my people. You are from the Middle East.'' The victim grabbed for the gun and was shot in the left hip in the struggle. The gunman fled on foot.

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.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. HARKIN. Mr. President, I was necessarily absent during the confirmation vote on Samuel Der-Yeghiayan to become a Federal district judge for Illinois. Had I been in attendance, I would have voted ''yea.''●

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.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004'' (Rept. No. 108–101).

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. GREGG (for himself, Mr. NELSON of Nebraska, Mr. SANTORUM, Mr. BROWNBACK, Mr. SUNUNU, Mr. INHOFE, Mr. LUGAR, and Mr. FITZGERALD):

S. 1397. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, Mr. COLEMAN, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 1398. A bill to provide for the environmental restoration of the Great Lakes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 1399. A bill to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. INOUYE, and Mr. BREAUX):

S. 1400. A bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Ms. SNOWE):

S. 1401. A bill to reauthorize the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, and Mr. AKAKA) (by request):

S.J. Res. 16. 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 Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 73, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 189

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors 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. 377

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 486

At the request of Mr. DOMENICI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 511

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 511, a bill to provide permanent funding for the Payment In Lieu of Taxes program, and for other purposes.

S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 592

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 592, a bill to establish an Office of Manufacturing in the Department of Commerce, and for other purposes.

S. 595

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to

modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 746

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 746, a bill to prevent and respond to terrorism and crime at or through ports.

S. 780

At the request of Mr. LOTT, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 843

At the request of Mr. CARPER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 843, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 875

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 894

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. SPECTER) 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. 896

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 970

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 982

At the request of Mr. MCCAIN, his name was added as a cosponsor 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. 982

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 982, supra.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Oregon (Mr. SMITH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1046

At the request of Mr. STEVENS, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1084

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1084, a bill to establish formally the United States Military Cancer Institute Center of Excellence, to provide for the maintenance of health in the military by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for prevention efforts, and for other purposes.

S. 1237

At the request of Mr. BENNETT, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1237, a bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living.

S. 1297

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 1324

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1324, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes.

S. 1333

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 107

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as ''National Military Family Month''.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

AMENDMENT NO. 1196

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 1196 proposed to S. 925, an original bill 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.

AMENDMENT NO. 1197

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1197 proposed to S. 925, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, Mr. COLEMAN, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 1398. A bill to provide for the environmental restoration of the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am pleased to introduce the ''Great Lakes Environmental Restoration Act'' with Senator DEWINE and our other bill sponsors. I also want to thank Representatives EMANUEL and REYNOLDS and the rest of the House members who are introducing similar Great Lakes restoration legislation over in the House today.

Many of my colleagues are aware of the importance of the Great Lakes to the eight States which border them. The lakes provide our drinking water, they provide our largest recreational resource, they are tremendously important to our economy, and they impact our quality of life. Over time, we have seen numerous changes in the lakes from water levels to fish populations to water quality. Some of these changes are part of a natural cycle, but many of these changes are the direct result of management policies. For example, the Great Lakes Fishery Commission and its partners have been able to reduce sea lamprey populations by 90 percent. The lake sturgeon appear to be improving as a result of the efforts by Federal and State managers, fishermen, and other water users. As of April 2002, approximately 84 percent of high-level PCB wastes had been destroyed, up from approximately 40 percent in spring 1998. And the first U.S. Area of Concern—Presque Isle Bay, PA—has been upgraded to a ''recovery area.'' While the Great Lakes have made strides in recovering after the environmental protections were put in place in the early 70s, there has been very slow progress in the last 10–15 years because the Federal commitment has not kept up with the needs of the Great Lakes.

This legislation that we are introducing today will provide the Federal commitment of funding and resources to keep pace with the restoration needs of the Great Lakes.

The Great Lakes face problems like beach closings, contaminated sediments, and invasive species, and the Federal Government needs to ''jump start'' our restoration efforts in the Great Lakes. I believe that with the help of the governors, the mayors, the wide array of nongovernmental organizations, and other interested parties, this legislation would provide some of the resources needed to keep pace with needs of the lakes.

In April, the GAO completed its study on Great Lakes Restoration efforts, and they reported that while there were many on-going restoration efforts from dozens of Federal and State Great Lakes programs, there was no over-arching, coordinated plan for the Great Lakes. GAO also reported that an environmental indicators and monitoring system needed to be developed in order to measure overall restoration progress. The report emphasizes that limited Great Lakes funding has always been a problem.

The legislation we are introducing today has three components to address the problems outlined by the April 2003 GAO report. First, the legislation authorizes $600 million in annual funding for the EPA's Great Lakes National Program Office to provide grants to the Great Lakes States, municipalities and other applicants based on the recommendations and priorities of a Great Lakes Environmental Restoration Advisory Board. These grants will require a 20 percent funding commitment from the region, and every State will receive at least 6 percent of the total amount of funding available for the year. The Great Lakes Environmental Restoration Advisory Board will be led by the Great Lakes governors, but it will include views of a whole range of people interested in the Great Lakes such as mayors, Federal agencies, Native American tribes, environmentalists, industry representatives, and Canadian observers. This Advisory Board will provide priorities on restoration issues such as invasive species control and prevention, wetlands restoration, contaminated sediments cleanup, and water quality improvements. By providing grant priorities, the region will shape the future of the Great Lakes.

Second, this legislation establishes a Great Lakes Federal Coordinating Council in order to coordinate Federal activities in the Great Lakes. According to the GAO study, environmental restoration activities in the Great Lakes are uncoordinated. EPAs Great Lakes National Program Office is equipped to serve as the Council leader, and Federal participants include NOAA, the Army Corps of Engineers, the Department of State, the Department of Health and Human Services, the Department of Agriculture and the Department of Interior. The Council would meet at least three times per year to ensure that the efforts of Federal agencies concerning environmental restoration and protection of the Great Lakes are coordinated, effective, complementary, and cost-efficient. The Council would also provide a list of its funding priorities to the Office of Management and Budget.

Third, this bill gives the Great Lakes National Program Office the mandate to work with other Federal agencies and Canada to identify and measure water quality and other environmental factors on a regular basis. The initial set of data collected through this network will serve as a benchmark against which to measure future improvements. Those measurements will help us make decisions on how to steer future restoration efforts. With a clearer picture of how the Great Lakes are changing, we can change course when needed and spend public funds on the most pressing demands. This provision will address GAO's finding that there is no data collected regularly throughout the Great Lakes, and that the existing data are inadequate to determine whether water quality and other environmental conditions are improving.

The Great Lakes are a unique and valuable resource, and we cannot afford to continuously underfund their protection. Congress must act to enhance their restoration and protection. As the current caretakers and beneficiaries, we owe nothing less to the region and the American people.

Mr. DEWINE. Mr. President, I am proud to join my fellow Great Lakes Task Force chair, Senator CARL LEVIN,

in introducing today the Great Lakes Environmental Restoration Act. I would like to thank our Senate cosponsors—Senators VOINOVICH, STABENOW, COLEMAN, DURBIN, SCHUMER, and CLINTON—for supporting this legislative effort.

The Great Lakes hold one-fifth of the world's surface freshwater, hold an estimated six quadrillion gallons of water, cover more than 94,000 square miles, and drain more than twice as much land. The Great Lakes ecosystem includes such diverse elements as northern evergreen forests, deciduous forests, lake plain prairies, and coastal wetlands. Over thirty of the basin's biological communities—and over 100 species—are globally rare or found only in the Great Lakes Basin. The 637 State parks in the region accommodate more than 250 million visitors each year. And, the Great Lakes Basin is home to more than 33 million people—that is one-tenth of our entire U.S. population.

The eight Great Lakes States comprise more than one-third of the national manufacturing output, and the lakes represent a critical shipping land for these States' manufactured goods and other natural resources. Ohio's nine ports on Lake Erie annually handle 70 million tons of cargo—that is almost seven tons of cargo for every Ohio resident, with a total value of over $1.5 billion.

My colleagues in Congress and I understand the value of the Great Lakes as a natural resource to the region, and we have been making progress in improving the overall quality of the lakes. Over the last few years, I have worked to secure $34 million for Ohio and the Great Lakes States to expand public access to the lakes. And now, I am working to address invasive species through the National Invasive Species Council Act, which I introduced, and the National Aquatic Invasive Species Act, which I cosponsored. Senator LEVIN and I have worked together as cochairs of the Great Lakes Task Force since 2000.

We have fought to secure needed Great Lakes funding for the NOAA water level gauges, the replacement ice-breaking vessel, the *Mackinaw*, and sea lamprey control money for the Great Lakes Fishery Commission. We both met with the U.S. Trade Representative in an effort to prevent water from the Great Lakes from being diverted abroad. And, we also worked together to authorize the Great Lakes Basin Soil Erosion and Sediment Control Program in the 2002 farm bill. Last fall, we passed the Great Lakes Legacy Act, which provides up to $50 million per year to the EPA to clean up contaminated sediments at Areas of Concern. The President provided $15 million in his fiscal year 2004 budget to get this program started.

These steps, in conjunction with the efforts by our States, are positive, but unfortunately—based on the Federal Government's current level of funding—we are not able to keep pace with the problems facing the Great Lakes. An April 2003 GAO report found that the Federal Government has spent about $745 million over the last 10 years on Great Lakes restoration programs. Now, consider the fact that the GAO reported that the eight Great Lakes States spent $956 million during that same 10-year period. The Federal Government is simply not spending enough to protect and improve the Great Lakes—one-fifth of the world's freshwater.

There is ample evidence to show that this current level of commitment is simply not enough. In 2001, there were nearly 600 beach closings as a result of *E. colie* bacteria, and State and local health authorities issued approximately 1,400 fish consumption advisories in the Great Lakes. In the years since the United States and Canada signed the Water Quality Agreement and agreed to give priority attention to the 43 designated Areas of Concern, the United States has not been able to remove any of the U.S. sites from the list of Areas of Concern.

For several years, I have been calling for a plan to restore the lakes and have been urging the Governors, mayors, the environmental community and other regional interests to agree on a vision for the future of the Great Lakes—not just the immediate future, but many years down the road. I have said that we must work together as partners to create and implement a long-term strategy on how we are going to restore and protect the lakes and that it is time for us to come together and develop a plan and put it in place.

This bill would build upon the efforts by the Great Lakes States, which have convened a Working Group to establish their Great Lakes goals and priorities. Many of our regional interest groups and agencies have prepared strategic plans and priorities. And, we have brought in the President's Council on Environmental Quality so that the President will better understand the value of a long-term plan for the Great Lakes. I can't emphasize how important it is to have all of these interests working toward the same goal.

A Great Lakes restoration program must be an equal partnership between the local, State, and Federal Governments and other interested citizens and organizations. I believe that this legislation would provide the tools needed for the long-term future of the Great Lakes. First, this legislation creates a $6 billion Great Lakes restoration grant program to augment existing Federal and State efforts to cleanup, protect, and restore the Great Lakes. In the April 2003 GAO report, the GAO reported that insufficient funding is often cited as a limitation to restoration efforts. Therefore, an additional $600 million in annual funding would be appropriated through the EPA's Great Lakes National Program Office, and the Program Office would provide grants to the Great Lakes States, Municipalities, and other applicants in coordination with the Great Lakes Environmental Restoration Advisory Board. This funding would provide the extra resources that existing programs do not have.

While the Great lakes are a national and international resource, I believe that the region, not the bureaucrats in Washington, needs to be setting its priorities and guiding the future efforts on the lakes. This bill would require very close coordination between the EPA and the State and regional interests before grants are released. The Great Lakes Environmental Restoration Advisory Board, led by the Great Lakes Governors, would include mayors, Federal agencies, Native American tribes, environmentalists, industry representatives, and Canadian observers. This advisory board, which would include all of the interests in the Great Lakes, would provide priorities on restoration issues, such as invasive species control and prevention, wetlands restoration, contaminated sediments cleanup, and water quality improvements. Additionally, this advisory board would provide recommendations on which grant applications to fund. Ultimately, the input from the advisory board would mean that the region would be involved in determining the long-term future of the Great Lakes.

As the April 2003 GAO study reported, environmental restoration activities in the Great Lakes are uncoordinated. So, the second goal of this legislation is the establishment of a Great Lakes Federal coordinating council to coordinate Federal activities in the Great Lakes. The EPA's Great Lakes National Program Office would serve as the council leader, and participants would include the key Federal agencies involved in Great Lakes work, such as NOAA, the Army Corps of Engineers, the Department of Agriculture, and the Department of Interior. The council would meet at least three times per year to ensure that the efforts of Federal agencies concerning environmental restoration and protection of the Great Lakes are coordinated, effective, complementary, and cost-efficient. The council also would provide a list of its funding priorities to the Office of Management and Budget.

Finally, our bill would address the GAO's second recent finding that environmental indicators and a monitoring system for the Great Lakes need to be developed to measure progress on new and existing restoration programs.

The Great Lakes are threatened by many problems, and I have worked with Senator LEVIN and my other colleagues from the Great Lakes states to try to address those problems on an issue-by-issue basis. These programs are working to correct problems. However, the rate of our progress has not able to keep pace with the growing number of threats. For those of my colleagues who know the problems facing Great Lakes and even other large watersheds like the Chesapeake Bay, the

gulf coast, or the Everglades, you will agree that we need to refocus and improve our efforts on the Great Lakes to help reverse the trend toward additional degradation.

The Great Lakes are a unique natural resource for Ohio and the entire region, and they need to be protected for future generations. I ask my colleagues to join me in support of this bill and in our efforts to help preserve and protect the long-term viability of our Great Lakes.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. INOUYE, and Mr. BREAUX:)

S. 1400. A bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Ocean and Coastal Observation Systems Act of 2003. This bill would help develop and formalize an integrated network of ocean observing systems around our Nation's coastlines, thereby fulfilling a critical information need that is essential in marine science, resource management, and maritime transportation and safety.

Like other coastal States, Maine has a strong and deep connection to our coastline and oceans. We are highly dependent on the fisheries resources and other essential services provided to us by the sea, and we understand that our lives and livelihoods are firmly rooted in how well we understand and adapt to ocean conditions. While we are able to predict tides and other cyclical changes with some accuracy, our best knowledge of the ocean has basically come through direct experience out on the water in often dangerous conditions—until recently.

In 2001, a new era in ocean and coastal observing began when the Gulf of Maine Ocean Observing System, or GoMOOS, deployed ten observation buoys in the Gulf of Maine. This prototype system has transformed how we gather information about the ocean and track ocean conditions over time. On the surface, these buoys take measurements of wind speed, wave height, temperature, and—for the first time—fog. Under the water's surface, these buoys measure currents, temperature, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, other data can be gathered from these platforms.

Scientists and seafarers have been gathering this kind of information for decades. What sets the GoMOOS observation buoy system apart from the traditional data gathering approach, however, is that it takes all these ocean and surface condition measurements on an hourly basis through a network of linked buoys, and these real-time measurements can be monitored and accessed by the general public through the internet. Not only do the Gulf of Maine buoys gather more data on more variables, but the unprecedented geographical distribution and greater frequency of these measurements has increased the range and timeliness of our ocean knowledge. By linking this comprehensive information with other data gathering systems and making it accessible via the internet, GoMOOS provides a tremendous public service and fills a critical information need in coastal regions.

The need for this type of access to ocean information is not limited to the Gulf of Maine. The U.S. coastline spans 95,000 miles, and all States that border our oceans and Great Lakes can and will benefit from this type of service. Ocean and coastal observing systems have been planned or developed for other coastal regions, many in conjunction with the National Oceanic and Atmospheric Administration, state coastal management agencies, universities, and other regional partners. As these systems evolve, they develop different approaches for collecting, managing, processing, and communicating data through their network. As is often the case, however, data from these regional systems are incompatible with data from other regions. When this occurs, we lose a valuable opportunity to link these systems and develop a comprehensive picture of coastal and ocean conditions around the Nation.

The Ocean and Coastal Observation Systems Act seeks to solve this problem by coordinating and institutionalizing ocean and coastal observation efforts with the support of the Federal Government. This Act would promote the ongoing development of these regional systems, link them through a network of compatible data systems, and provide a system which anyone could access to better understand and track regional and national ocean and coastal conditions. It would call on the National Ocean Research Leadership Council to design, operate, and improve a nation-wide ocean and coastal observation system, and to coordinate and administer an ocean data research and development program. This Council would plan these activities through a collaborative interagency planning office and carry them out through a joint operations center, led by the National Oceanic and Atmospheric Administration.

The American public—over half of which lives along our coastlines—will be very well served through the many uses and applications of this system. Fisheries scientists and managers can use this information to predict ocean conditions related to productivity and incorporate this information into their management system. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who venture out on the ocean can better predict sea conditions to know when and where to go out safely, and shippers can transport goods more efficiently. Ocean scientists and regulators can better understand, predict, and rapidly respond to the distribution and impacts of marine pollution. Educators and students can learn more about how and why oceans function as they do. Clearly, anyone who uses and depends upon the ocean stands to benefit from this integrated system.

As a coastal State Senator, I am very proud to introduce this bill. I would like to thank my co-sponsors, Senators KERRY, MCCAIN, HOLLINGS, INOUYE and BREAUX, for contributing to this legislation and supporting this national initiative. I must also thank all the dedicated professionals in the ocean and coastal science, management, and research communities that have been instrumental in developing both the grassroots regional observation systems as well as this legislation. Their ongoing commitment gives me confidence that this bill, once enacted, will serve the public well by facilitating better understanding of our nation's oceans and coasts.

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. 1400

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 ''Ocean Observation and Coastal Systems Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The 95,000-mile coastline of the United States is vital to the Nation's homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

(2) More than half the Nation's population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, and pollution, which can pose threats to human health.

(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

(7) Safeguarding homeland security requires improved monitoring of the Nation's ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

(8) Advances in ocean technologies and scientific understanding have made possible long-term and continuous observation from space and in situ of ocean characteristics and conditions.

(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

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

(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the ''Council''), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation's social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

(1) Strengthening homeland security.

(2) Improving weather forecasts and public warnings of natural disasters and coastal hazards and mitigating such disasters and hazards.

(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

(4) Enhancing the safety and efficiency of marine operations.

(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

(6) Enhancing public health.

(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

(2) adopt and maintain plans for the design, operation, and improvement of such system;

(3) establish an interagency planning office to carry out the duties described in subsection (c);

(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

(c) INTERAGENCY PROGRAM OFFICE.—There is established under the Council an interagency planning office. It shall—

(1) promote collaboration among agencies;

(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

(4) provide information for the development of agency budgets;

(5) identify requirements for a common set of measurements to be collected and distributed;

(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

(8) coordinate program planning and implementation.

(d) JOINT OPERATIONS CENTER.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the National Ocean Research Leadership Council as the Council may, by memorandum of agreement, select—

(1) shall report to the National Ocean Research Leadership Council;

(2) shall maintain a joint operations center that reports to the Council; and

(3) is authorized, without limitation—

(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

(B) to implement standards and protocols developed in consultation with the interagency planning office for—

(i) network operations and data access;

(ii) quality control and assessment of data and design;

(iii) data access and management, including data transfer protocols and archiving;

(iv) testing and employment of forecast models for ocean conditions; and

(v) system products;

(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

(D) to integrate and extend existing programs into an operating coastal and ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

(E) to coordinate the data communication and management system;

(F) to provide products and services as specified by national, regional, and international users;

(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

(e) SYSTEM ELEMENTS.—

(1) IN GENERAL.—The integrated ocean and coastal observing system shall consist of the following closely linked components:

(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

(2) SUBSYSTEM LINKAGE.—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological

variables required to achieve the purpose of this Act on time scales required by users of the system.

(B) An ocean data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

(C) A data analysis and applications subsystem to translate data into products and services in response to user needs and requirements.

(3) RESEARCH AND DEVELOPMENT.—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

(A) Coastal, relocatable, and cabled sea floor observatories.

(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

(D) Large scale computing resources and research to improve ocean processes modeling.

(E) Programs to improve public education and awareness of the marine environment and its goods and services.

(f) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form regional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region to with the objectives of—

(A) delivering an integrated and sustained system that meets national goals;

(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

(C) responding to the needs of the users, including the public, within the region;

(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

(G) providing free and open access to the data collected with financial assistance under this Act; and

(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumentality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

(g) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

(A) develop protocols for coordinated implementation of the full system;

(B) design and implement regional coastal ocean observing systems;

(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

(2) INFRASTRUCTURE CAPITAL PROJECTS.—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

SEC. 4. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) OBSERVING SYSTEM AUTHORIZATION.—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

(1) the National Oceanic and Atmospheric Administration, $83,000,000 in fiscal year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fiscal year 2006, $96,000,000 in fiscal year 2007, and $100,000,000 in fiscal year 2008;

(2) the National Science Foundation, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(3) the National Aeronautics and Space Administration, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, and $34,750,000 in each of fiscal years 2007 and 2008;

(4) the United States Coast Guard, $8,000,000 in fiscal year 2004, $8,400,000 in fiscal year 2005, $9,700,000 in fiscal year 2006, $9,500,000 in fiscal year 2007, and $9,750,000 in fiscal year 2008;

(5) the Office of Naval Research, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(6) the Office of the Oceanographer of the Navy, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, $34,750,000 in fiscal year 2007, and $36,500,000 in fiscal year 2008; and

(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, $15,000,000 in each of fiscal years 2004 through 2008.

(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

(c) AVAILABILITY.—Sums authorized to be appropriated by this section shall remain available until expended.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal year 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Today, I am joined by Senator HOLLINGS in introducing the Federal Railroad Safety Improvement Act. This legislation would reauthorize the Federal rail safety program, which expired at the end of fiscal year 1998.

The rail safety program, which is administered by the Federal Railroad Administration, FRA, encompasses a range of inspection, research, education, and oversight initiatives aimed at protecting the safety of railroad employees; ensuring track and equipment are properly maintained; enhancing grade crossing safety; safeguarding the transportation of hazardous materials by rail; and overseeing the industry's safety practices and procedures. FRA also monitors Amtrak and, in the past two years, has assumed a more active role in protecting the investment of the taxpayers in that troubled enterprise.

There have been remarkable improvements in rail safety over the past 20 years, attributable to both the safety program and the Staggers Act, the landmark legislation enacted in 1980 to partially deregulate the freight railroads. According to FRA statistics, the rail industry's train accident rate has declined 68 percent since the Staggers Act was passed and the rate of employee injuries and fatalities has fallen 74 percent. The number of grade crossing collisions declined 72 percent from

1980 through 2002, while fatalities declined 57 percent.

The Federal Railroad Safety Improvement Act would renew our commitment to a strong rail safety program. The legislation would authorize $166 million for rail safety in fiscal year 2004, the amount requested by the Administration, rising to $200 million in fiscal year 2008. Included in these authorizations would be additional funds to continue initiatives to test and install positive train control, PTC, systems on passenger and freight railroad rights-of-way. Some federal support of PTC technology is warranted; PTC has been on the National Transportation Safety Board's ''most wanted'' list since 1990, but is cost-prohibitive for the railroads to install on a widespread basis.

Our proposed legislation also would make improvements to grade crossing safety by formally establishing a national crossing inventory, reauthorizing Operation Lifesaver, and requiring the development of model state legislation with penalties for drivers who violate crossing signs, signals, and gates. The legislation also would direct FRA to develop a plan for a joint initiative with states and municipalities to close 1 percent of all public and private grade crossings each year for a 10-year period. This is an ambitious goal but one that would clearly save lives.

The legislation we propose today also would address long-standing concerns about employee fatigue in the rail industry. The bill would require that a working group be convened within FRA's Railroad Safety Advisory Committee to consider what legislative or other changes may be appropriate to address fatigue management and report back to the Senate Commerce Committee and the House Committee on Transportation and Infrastructure within 18 months following enactment. While the railroads and rail labor organizations have initiated a number of discrete pilot projects to address fatigue, it is unclear whether real progress is being made. If a consensus cannot be reached by the working group, the Department of Transportation would be required to submit its own recommendations within 2 years following enactment.

I look forward to working with my colleagues in moving this bill through the legislative process in the weeks ahead. 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. 1402

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 ''Federal Railroad Safety Improvement Act''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.

TITLE II—RULEMAKING, INSPECTION, ENFORCEMENT, AND PLANNING AUTHORITY

Sec. 201. National crossing inventory.
Sec. 202. Grade crossing elimination and consolidation.
Sec. 203. Model legislation for driver behavior.
Sec. 204. Operation Lifesaver.
Sec. 205. Transportation security.
Sec. 206. Railroad accident and incident reporting.
Sec. 207. Railroad radio monitoring authority.
Sec. 208. Recommendations on fatigue management.
Sec. 209. Positive train control.
Sec. 210. Positive train control implementation.
Sec. 211. Survey of rail bridge structures.
Sec. 212. Railroad police.
Sec. 213. Federal Railroad Administration employee training.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments regarding enforcement by the Attorney General.
Sec. 302. Technical amendments to civil penalty provisions.
Sec. 303. Technical amendments to eliminate unnecessary provisions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) is amended to read as follows:

''(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter—

''(1) $166,000,000 for the fiscal year ending September 30, 2004;

''(2) $176,000,000 for the fiscal year ending September 30, 2005;

''(3) $185,000,000 for the fiscal year ending September 30, 2006;

''(4) $192,000,000 for the fiscal year ending September 30, 2007; and

''(5) $200,000,000 for the fiscal year ending September 30, 2008.''.

TITLE II—RULEMAKING, INSPECTION, ENFORCEMENT, AND PLANNING AUTHORITY

SEC. 201. NATIONAL CROSSING INVENTORY.

(a) In General.—Chapter 201 is amended by adding at the end the following:

''§ 20154. National crossing inventory

''(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 6 months after the date of enactment of the Federal Railroad Safety Improvement Act or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

''(1) report to the Secretary of Transportation current information, as specified by the Secretary, concerning each previously unreported crossing through which it operates; or

''(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(b) UPDATING OF CROSSING INFORMATION.—(1) On a periodic basis beginning not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

''(A) report to the Secretary current information, as specified by the Secretary, concerning each crossing through which it operates; or

''(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(2) A railroad carrier that sells a crossing on or after the date of enactment of the Federal Railroad Safety Improvement Act, shall, not later than the date that is 18 months after the date of enactment of the Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing.

''(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Federal Railroad Administration's Highway-Rail Crossing Inventory Instructions and Procedures Manual that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act, until such provision is superseded by a regulation issued under this section.

''(d) DEFINITIONS.—In this section:

''(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(B) a dedicated pedestrian pathway that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade- separated.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or Puerto Rico.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20153 the following:

''20154. National crossing inventory''.

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(k) NATIONAL CROSSING INVENTORY.—

''(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 6 months after the date of enactment of the Federal Railroad Safety Improvement Act or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, as specified by the Secretary, concerning each previously unreported crossing located within its borders.

''(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each State

shall report to the Secretary current information, as specified by the Secretary, concerning each crossing located within its borders.

''(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Federal Railroad Administration's Highway-Rail Crossing Inventory Instructions and Procedures Manual that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act, until such provision is superseded by a regulation issued under this subsection.

''(4) DEFINITIONS.—In this subsection, the terms 'crossing' and 'State' have the meaning given those terms by section 20154(d)(1) and (2), respectively, of title 49.''.

(d) CIVIL PENALTIES.—

(1) Section 21301(a)(1) is amended—

(A) by inserting ''with section 20154 or '' after ''comply'' in the first sentence; and

(B) by inserting ''section 20154 of this title or'' after ''violating'' in the second sentence.

(2) Section 21301(a)(2) is amended by inserting ''The Secretary shall impose a civil penalty for a violation of section 20154 of this title.'' after the first sentence.

SEC. 202. GRADE CROSSING ELIMINATION AND CONSOLIDATION.

(a) CROSSING REDUCTION PLAN.—Within 24 months after the date of enactment of this Act, the Secretary of Transportation shall develop and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan for a joint initiative with States and municipalities to systematically reduce the number of public and private highway-rail grade crossings by 1 percent per year in each of the succeeding 10 years. The plan shall include—

(1) a prioritization of crossings for elimination or consolidation, based on considerations including—

(A) whether the crossing has been identified as high risk;

(B) whether the crossing is located on a designated high-speed corridor or on a railroad right-of-way utilized for the provision of intercity or commuter passenger rail service; and

(C) the existing level of protection;

(2) suggested guidelines for the establishment of new public and private highway-rail grade crossings, with the goal of avoiding unnecessary new crossings through careful traffic, zoning, and land use planning; and

(3) an estimate of the costs of implementing the plan and suggested funding sources.

(b) CONSULTATION WITH STATES.—In preparing the plan required by subsection (a), the Secretary shall seek the advice of State officials, including highway, rail, and judicial officials, with jurisdiction over crossing safety, including crossing closures. The Secretary and State officials shall consider—

(1) the feasibility of consolidating and improving multiple crossings in a single community;

(2) the impact of closure on emergency vehicle response time, traffic delays, and public inconvenience; and

(3) the willingness of a municipality to participate in the elimination or consolidation of crossings.

(c) GUIDE TO CROSSING CONSOLIDATION AND CLOSURE.—Within 1 year after the date of enactment of this Act, the Secretary shall update, reissue, and distribute the publication entitled ''A Guide to Crossing Consolidation and Closure''.

(d) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—Section 130(i)(3)(B) of title 23, United States Code is amended by striking ''$7,500.'' and inserting ''$15,000.''.

(e) FUNDING FOR PLAN.—From amounts authorized by section 20117(a)(1) of title 49, United States Code, to the Secretary, there shall be available $500,000 for fiscal year 2004 to prepare the plan required by this section, such sums to remain available until the plan is transmitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as required by subsection (a).

SEC. 203. MODEL LEGISLATION FOR DRIVER BEHAVIOR.

(a) IN GENERAL.—Section 20151 is amended—

(1) by striking the section caption and inserting the following:

''§ 20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals '';

(2) by striking ''safety,'' in subsection (a) and inserting ''safety and violations of highway-rail grade crossing signals,'';

(3) by striking the second sentence of subsection (a) and inserting ''The evaluation and review shall be completed not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act.''; and

(4) by striking ''LEGISLATION.—Within 18 months after November 2, 1994, the'' in subsection (c) and inserting ''LEGISLATION FOR VANDALIM AND TRESPASSING PENALTIES.—The''; and

(5) by adding at the end the following:

''(d) MODEL LEGISLATION FOR GRADE-CROSSING VIOLATIONS.—Within 2 years after the date of the enactment of the Federal Railroad Safety Improvement Act, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signals.

''(e) VIOLATION DEFINED.—In this section, the term 'violation of highway-rail grade crossing signals' includes any action by a motorist, unless directed by an authorized safety officer—

''(1) to drive around or through a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without determining that the grade crossing could be safely crossed before any train arrived; and

''(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by striking the item relating to section 20151 and inserting the following:

''20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals''.

SEC. 204. OPERATION LIFESAVER.

Section 20117(e) is amended to read as follows:

''(e) OPERATION LIFESAVER.—In addition to amounts otherwise authorized by law, from the amounts authorized to be appropriated under subsection (a), there shall be available for railroad research and development $1,250,000 for fiscal year 2004, $1,300,000 for fiscal year 2005, $1,350,000 for fiscal year 2006, $1,400,000 for fiscal year 2007, and $1,460,000 for fiscal year 2008 to support Operation Lifesaver, Inc.''.

SEC. 205. TRANSPORTATION SECURITY.

(a) MEMORANDUM OF AGREEMENT.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) is amended to read as follows:

''(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety, including security, supplementing laws and regulations in effect on October 16, 1970. When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary of Transportation.''.

SEC. 206. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

''(a) GENERAL REQUIREMENTS.—On a periodic basis specified by the Secretary of Transportation but not less frequently than quarterly, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during the specified period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.''.

SEC. 207. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 is amended by inserting at the end the following:

''(c) RAILROAD RADIO COMMUNICATIONS.—

''(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct the following activities at reasonable times:

''(A) Intercepting a radio communication that is broadcast or transmitted over a frequency authorized for the use of one or more railroad carriers by the Federal Communications Commission, with or without making their presence known to the sender or other receivers of the communication and with or without obtaining the consent of the sender or other receivers of the communication.

''(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

''(C) Receiving or assisting in receiving the communication (or any information therein contained).

''(D) Disclosing the contents, substance, purport, effect, or meaning of the communication (or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

''(E) Recording the communication by any means, including writing and tape recording.

''(2) LIMITATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the

Secretary may engage in the activities authorized by paragraph (1) for the purpose of accident prevention, including, but not limited to, accident investigation.

''(3) USE OF INFORMATION.—

''(A) Except as provided in subparagraph (F), information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to sections 5122, 20702(b), 20111, 20112, 20113, or 20114 of this title.

''(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

''(C) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

''(D) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

''(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

''(F) No information obtained by an activity authorized by paragraph (1)(A) that was undertaken solely for the purpose of accident investigation may be introduced into evidence in any administrative or judicial proceeding in which civil or criminal penalties may be imposed.

(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.

''(d) REASONABLE TIME DEFINED.—In this section, the term 'at reasonable times' means at any time that the railroad carrier being inspected or investigated is performing its rail transportation business.''.

SEC. 208. RECOMMENDATIONS ON FATIGUE MANAGEMENT.

(a) WORKING GROUP ESTABLISHED.—The Railroad Safety Advisory Committee of the Federal Railroad Administration shall convene a working group to consider what legislative or other changes the Secretary of Transportation deems necessary to address fatigue management for railroad employees subject to chapter 211 of title 49, United States Code. The working group shall consider—

(1) the varying circumstances of rail carrier operations and appropriate fatigue countermeasures to address those varying circumstances, based on current and evolving scientific and medical research on circadian rhythms and human sleep and rest requirements;

(2) research considered by the Federal Motor Carrier Safety Administration in devising new hours of service regulations for motor carriers;

(3) the benefits and costs of modifying the railroad hours of service statute or implementing other fatigue management countermeasures for railroad employees subject to chapter 211; and

(4) ongoing and planned initiatives by the railroads and rail labor organizations to address fatigue management.

(b) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this Act, the working group convened under subsection (a) shall submit a report containing its conclusions and recommendations to the Railroad Safety Advisory Committee and the Secretary of Transportation. The Secretary shall transmit the report to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure.

(c) RECOMMENDATIONS.—If the Railroad Safety Advisory Committee does not reach a consensus on recommendations within 24 months after the date of enactment of this Act, the Secretary of Transportation shall, within 36 months after the date of enactment of this Act, submit to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure recommendations for legislative, regulatory, or other changes to address fatigue management for railroad employees.

SEC. 209. POSITIVE TRAIN CONTROL.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall prescribe a final rule addressing safety standards for positive train control systems or other safety technologies that provide similar safety benefits.

SEC. 210. POSITIVE TRAIN CONTROL IMPLEMENTATION.

(a) REPORT ON PILOT PROJECTS.—Within 3 months after completion of the North American Joint Positive Train Control Project, the Secretary of Transportation shall submit a report on the progress of on-going and completed projects to implement positive train control technology or other safety technologies that provide similar safety benefits to the Senate Committee on Commerce, Science, and Transportation and to the House Committee on Transportation and Infrastructure. The report shall include recommendations for future projects and any legislative or other changes the Secretary deems necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall establish a grant program with a 50 percent match requirement for the implementation of positive train control technology or other safety technologies that provide similar safety benefits. From the amounts authorized to be appropriated for each of fiscal years 2004 through 2008 under section 20117(a) of title 49, United States Code, there shall be made available for the grant program—

(1) $16,000,000 for fiscal year 2004;

(2) $18,000,000 for fiscal year 2005; and

(3) $20,000,000 for each of fiscal years 2006 through 2008.

SEC. 211. SURVEY OF RAIL BRIDGE STRUCTURES.

The Secretary of Transportation shall conduct a safety survey of the structural integrity of railroad bridges and railroads' programs of inspection and maintenance of railroad bridges. The Secretary shall issue a report to Congress at the completion of the survey, including a finding by the Secretary concerning whether the Secretary should issue regulations governing the safety of railroad bridges.

SEC. 212. RAILROAD POLICE.

Section 28101 is amended by striking ''the rail carrier'' each place it appears and inserting 'any rail carrier''.

SEC. 213. FEDERAL RAILROAD ADMINISTRATION EMPLOYEE TRAINING.

From the amounts authorized to be appropriated for fiscal year 2004 by section 20117(a)(1) of title 49, United States Code, there shall be made available to the Secretary of Transportation $300,000 for the Federal Railroad Administration to perform a demonstration program to provide centralized training for its employees. The Secretary of Transportation shall report on the results of such training and provide further recommendations to the Congress.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS REGARDING ENFORCEMENT BY THE ATTORNEY GENERAL.

Section 20112(a) is amended—

(1) by inserting ''this part, except for section 20109 of this title, or'' in paragraph (1) after ''enforce,'';

(2) by striking ''21301'' in paragraph (2) and inserting ''21301, 21302, or 21303'';

(3) by striking ''subpena'' in paragraph (3) and inserting ''subpena, request for production of documents or other tangible things, or request for testimony by deposition''; and

(4) by striking ''chapter.'' in paragraph (3) and inserting ''part.''.

SEC. 302. TECHNICAL AMENDMENTS TO CIVIL PENALTY PROVISIONS.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).''; and

(2) by striking ''$20,000.'' and inserting ''$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).'' .

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—

(1) Section 21302(a)(2) is amended—

(A) by striking ''$10,000.'' and inserting ''$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).''; and

(B) by striking ''$20,000.'' and inserting ''$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).'' .

(2) Section 21302 is amended by adding at the end the following:

''(c) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

''(d) DEPOSIT IN TREASURY.—A civil penalty collected under this section shall be deposited in the Treasury as miscellaneous receipts.''.

(c) VIOLATIONS OF CHAPTER 211.—

(1) Section 21303(a)(2) is amended—

(A) by striking ''$10,000.'' and inserting ''$10,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).''; and

(B) by striking ''$20,000.'' and inserting ''$20,000 or the amount to which the stated maximum penalty is adjusted if required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).'' .

(2) Section 21303 is amended by adding at the end the following:

''(c) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

''(d) DEPOSIT IN TREASURY.—A civil penalty collected under this section shall be deposited in the Treasury as miscellaneous receipts.''.

SEC. 303. TECHNICAL AMENDMENTS TO ELIMINATE UNNECESSARY PROVISIONS.

(a) IN GENERAL.—Chapter 201 is amended—

(1) by striking the second sentence of section 20103(f);

(2) by striking section 20145;

(3) by striking section 20146; and

(4) by striking section 20150.

(b) CONFORMING AMENDMENTS.—The chapter analysis for chapter 201 is amended by striking the items relating to sections 20145, 20146, and 20150 and inserting at the appropriate place in the analysis the following:

''20145. [Repealed].

''20146. [Repealed]

''20150. [Repealed]''.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, and Mr. AKAKA) (by request):

S.J. Res. 16. 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 Energy and Natural Resources.

Mr. DOMENICI. Mr. President, on behalf of myself and Senators BINGAMAN, CRAIG and AKAKA—colleagues from the Committee on Energy and Natural Resources—I am pleased to introduce legislation recently transmitted by the Administration that would strengthen our Nation's relationship with two Pacific Island nations with which we have a special bond—the Federated States of Micronesia, FSM, and the Republic of the Marshall Islands, RMI.

The United States has a long history of involvement in the islands of Micronesia in the Western Pacific—from 19th century voyages of Nantucket whaling ships, that inspired the literature of Herman Melville, to the development of nuclear weapons and missile defense systems that are cornerstones of our Nation's military strength. In 1947, following the bloody battles of World War II on the beaches of Kwajalein and Saipan, our nation's role changed fundamentally when the United States became Administrator of the region under the United Nation's Trusteeship system. As Administrator of the U.N. Trust Territory of the Pacific Islands, the United States governed the islands for over forty years; not as an occupation force or as sovereign, but with the obligation to promote the political, economic, and social development of the inhabitants.

In 1986, the United States fulfilled its obligation to the U.N. with respect to the islands of Micronesia and the Marshall Islands following implementation of the Compact of Free Association. The Compact formally ended U.S. Administration and allowed these countries to achieve self-government and recognition as full members of the community of nations. However, and most significantly, the Compact also allowed the United States and these new nations to maintain the special relationship forged during the Trusteeship. For seventeen years now, the Compact has continued to provide for mutual defense as well as political and economic stability in a region of vital interest to the United States.

The legislation being introduced today is necessary to update and extend various provisions of the Compact, particularly the economic assistance provisions that are due to expire on September 30 of this year. Representatives of Micronesia, the Marshall Islands and the United States have invested tremendous effort over the past four years in negotiating these amendments. We commend Al Short, Peter Christian, and Gerald Zackios, the U.S., FSM, and RMI negotiators, respectively, for their years of work to strengthen the Compact and the special relationship between our nations.

The agreements reached by the negotiators, as reflected by this legislation, would provide the resources needed to assure continued economic development and mutual security in the islands. Pursuant to those agreements, trust funds will be established to provide a mechanism for the eventual phase-out of annual financial assistance from the United States. The parties have also agreed to changes that will assure greater accountability and effectiveness in the use of U.S. financial and program assistance. Continued access to the vitally important Ronald Reagan Missile Test Site at Kwajalein Atoll is provided. The Compact's immigration provisions have been updated to reduce threats to our country's homeland security and to reduce the impact of migration on the neighboring islands of Hawaii, Guam, and the Northern Mariana Islands. These changes are made while continuing to allow citizens of the FSM and RMI the opportunity to migrate to the United States as non-immigrants for education, employment, and residence.

Congressional consideration of this legislation comes at a time when the issue of nation-building is receiving increased attention. Our 60 years of experience of nation-building in Micronesia and the Marshall Islands underscores the importance of partnership, planning, adequate resources, and sustained commitment. The task in the former Trust Territory has turned out to be neither easy nor quick. However, virtually all who have examined the Compact agree that it has successfully met its objectives of promoting self-government, mutual defense and economic stability. There is also agreement that there is much more to be done. The FSM and RMI still have tremendous challenges in improving health and education and in further developing their economies so that they can provide health and education and in further developing their economies so that they can provide more resources to meet the basic needs of the people. This is a particularly daunting task given that each nation is dispersed over a vast area of the remote western Pacific Ocean.

We too face a considerable challenge given how little time we have to consider this package. The assistance provisions of the current Compact expire in just 11 weeks. While the negotiators have done an excellent job, it is our understanding that they, and the General Accounting Office, will present several issues to Congress for further consideration and we expect that there will be a need for fine-tuning the package.

We look forward to working with our colleagues in the Senate, House, and the Administration in trying to meet the demanding deadline, to consider these remaining issues, and to assure the continued success of the special relationship between the United States, Micronesia and the Marshall Islands.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1215. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1216. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1217. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1218. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1219. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1220. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1221. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1222. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1223. Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1224. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1225. Mr. STEVENS (for Mr. DODD) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1226. Mr. STEVENS (for Ms. SNOWE (for himself and Ms. COLLINS)) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1227. Mr. STEVENS (for Mr. BREAUX) proposed an amendment to amendment SA

1217 proposed by Mr. STEVENS to the bill H.R. 2658, supra.

SA 1228. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1229. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1230. Mr. WYDEN (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1231. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1215. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. (a) AMOUNTS AVAILABLE FOR UPGRADES OF M1A1 ABRAMS TANK TRANSMISSIONS.—Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'' and available for land systems depot maintenance, $15,000,000 may be available for upgrades of M1A1 Abrams tank transmissions.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for upgrades of M1A1 Abrams tank transmissions is in addition to any other amounts available under this Act for upgrades of M1A1 Abrams tank transmissions.

SA 1216. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) Subsection (a) of section 2474 of title 10, United States Code, is amended by striking ''depot-level activity'' and inserting ''industrial activity''.

(b) Subsection (b)(1)(A) of such section is amended by inserting ''manufacturing or'' after ''including any''.

SA 1217. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

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, $28,282,764,000.

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, $23,309,791,000.

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, $8,994,426,000.

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, $22,993,072,000.

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, $3,584,735,000.

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, $2,027,945,000.

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, $587,619,000.

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, $1,332,301,000.

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, $5,598,504,000.

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, $2,228,830,000.

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, $24,922,949,000: *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.

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, $28,183,284,000.

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, $3,418,023,000.

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, $26,698,375,000.

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, $16,279,006,000, of which not to exceed $35,000,000, may be available for the CINC initiative fund; and of which not to exceed $45,000,000, 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 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 $2,700,000, 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, $1,964,009,000.

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, $1,172,921,000.

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, $2,179,188,000.

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), $4,273,131,000.

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, $4,418,616,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $10,000,000, 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 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 in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS 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, $312,619,000, 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: *Provided*, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

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, $2,027,285,000, 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, $1,444,462,000, 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, $1,732,004,000, to remain available for obligation until September 30, 2006.

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, $1,419,759,000, 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, $4,573,902,000, 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, $9,017,548,000, 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, $1,967,934,000, 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, $924,355,000, 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 (AP), $1,186,564,000;

NSSN, $1,511,935,000;

NSSN (AP), $827,172,000;

SSGN, $930,700,000;

SSGN (AP), $236,600,000;

CVN Refuelings (AP), $232,832,000;

SSN Submarine Refuelings, $450,000,000;

SSN Submarine Refuelings (AP), $20,351,000;

SSBN Submarine Refuelings (AP), $136,800,000;

DDG–51 Destroyer, $3,218,311,000;

LPD–17, $1,192,034,000;

LPD–17 (AP), $75,000,000;

LHD–8, $591,306,000;

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

Prior year shipbuilding costs, $635,502,000;

Service Craft, $15,980,000; and

For outfitting, post delivery, conversions, and first destination transportation, $348,449,000;

In all: $11,682,623,000, 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 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; 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, $4,734,808,000, 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, $1,090,399,000, 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, $11,997,460,000, 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, $4,215,333,000, 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, $1,265,582,000, 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 $180,000 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, $11,536,097,000, 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; 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; 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, $3,568,851,000, 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, $700,000,000, 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), $77,516,000, 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, $9,513,048,000, to remain available for obligation until September 30, 2005.

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, $14,886,381,000, 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, $20,086,290,000, 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, $18,774,428,000, 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, $304,761,000, 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, $1,449,007,000: *Provided,* That during fiscal year 2004, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 4 passenger motor vehicles for replacement only for the Defense Logistics Agency.

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, $344,148,000, 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, $8,500,000 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, $15,656,913,000, of which $14,918,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which not more than $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $327,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; 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, $1,620,076,000, of which $1,169,168,000 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; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; $119,815,000 shall be for military construction to remain available until September 30, 2008: *Provided,* That, notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

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, $832,371,000: *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, $165,390,000, 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, $34,100,000 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.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

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 $2,100,000,000 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 June 30, 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:

C–130 aircraft;

and F/A–18E and F engine;

F/A–18 aircraft;

E–2C aircraft; and

Virginia Class Submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class Submarine per year.

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. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

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 or hereafter 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 until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* 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: *Provided further,* That the conversion of any activity or function of the Department of Defense under the authority provided herein shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with Public Law 98–369, Div. B, Title VII, sections 2723(a) and 2727(b) (codified at 10 U.S.C. 2304) for the competition or outsourcing of commercial activities.

(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. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided,* That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further,* That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further,* That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further,* That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

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 or individuals 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 or individuals defined under 25 U.S.C. 4221(9): *Provided further,* That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

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 30 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) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or 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 purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or 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).

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. Of the funds made available in this Act, not less than $24,758,000 shall be available for the Civil Air Patrol Corporation: *Provided,* That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

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 6,450 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 $50,000,000.

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. During the current fiscal year, 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: *Provided,* That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions 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 advanced research and development acquisition, 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:

''Shipbuilding and Conversion, Navy, 2002/2006'', $55,000,000;

''Procurement of Ammunition, Army, 2003/2005'', $36,000,000;

''Other Procurement, Air Force, 2003/2005'', $5,000,000;

''Procurement, Defense-Wide, 2003/2005'', $48,000,000;

''Research and Development, Defense-Wide, 2003/2004'', $25,000,000;

''National Defense Sealift Fund'', $105,300,000.

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, 2003 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 items.

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 or hereafter in 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 in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided,* That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, 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) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes 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, the planned acquisition and transition strategy 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. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.—No funds appropriated or otherwise made available by this Act for the Office of the Under Secretary of Defense for Intelligence may be obligated or expended until 30 days after the date on which the report referred to in subsection (c) is submitted to Congress.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR CLANDESTINE MILITARY ACTIVITIES.—No funds appropriated or otherwise made available by this Act may be obligated or expended for clandestine military activities until the date on which the report referred to in subsection (c) is submitted to Congress.

(c) REPORT.—The report referred to in this subsection is the report required to be submitted to Congress in the classified annex to the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

SEC. 8083. During the current fiscal year, 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. (a) 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.

(b) Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $177,000,000 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 the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth herein: *Provided further,* That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further,* That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $154,800,000 shall be made available for the Arrow missile defense program: *Provided,* That of this amount, $10,000,000 shall be available for the purpose of continuing the Arrow System Improvement Program (ASIP), and $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further,* That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further,* That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8094. In addition to amounts provided in this Act, $90,000,000 is hereby appropriated for ''Aircraft Procurement, Navy'': *Provided,* That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $635,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: *Provided,* That upon enactment of this Act, the Secretary of Navy shall transfer such funds to the following appropriations in the amount 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, $95,300,000.

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, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

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

DDG–51 Destroyer Program, $24,510,000;

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

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

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

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 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. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: *Provided,* That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: *Provided further,* That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: *Provided further,* That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

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. Of the funds made available in this Act, not less than $56,400,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from ''Military Personnel, Air Force'', $35,900,000 shall be available from ''Operation and Maintenance, Air Force'', and $16,700,000 shall be available from ''Aircraft Procurement, Air Force'': *Provided,* That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: *Provided further,* That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8102. 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. 8103. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

(TRANSFER OF FUNDS)

SEC. 8104. Of the amounts appropriated in Public Law 107–206 under the heading ''Defense Emergency Response Fund'', an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: *Provided,* That none of these funds may be used to acquire fee title to the properties.

SEC. 8105. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

(TRANSFER OF FUNDS)

SEC. 8106. In addition to the amounts appropriated or otherwise made available in this Act, $24,000,000, 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 $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $10,000,000 for the Fort Benning Infantry Museum; $2,500,000 to the National Guard Youth Foundation; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; and $3,500,000 to the National D-Day Museum.

SEC. 8107. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' 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. 8108. 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 year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8109. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Account, the Operation and Maintenance accounts, and the Procurement accounts: *Provided,* That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further,* That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further,* That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Account for fiscal years 2003 and 2004.

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. Of the amounts appropriated in this Act under the headings ''Research, Development, Test and Evaluation, Navy'' and ''Operation and Maintenance, Defense-Wide'' $65,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8112. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8113. 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. 8114. Funds available to the Department of Defense under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', may be used to develop and field an initial set of missile defense capabilities, and such fielding shall be considered to be system development and demonstration for purposes of any law governing the development and production of a major defense acquisition program. The initial set of missile defense capabilities is defined as the ''Block 04'' Ballistic Missile Defense system funded in fiscal years 2004 and 2005. Subsequent blocks of missile defense capabilities shall be subject to existing laws governing

development and production of major defense acquisition programs.

SEC. 8115. 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. 8116. Up to $2,000,000 of the funds appropriated by this Act under the heading, ''Operation and Maintenance, Army'', may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: *Provided,* That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: *Provided further,* That any reimbursements received pursuant to this section shall be merged with ''Operation and Maintenance, Army'' and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8117. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision ''to celebrate the American Spirit''.

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the ''man who won the war for us'' because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the ''greatest generation'' of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned ''We're All in this Together'' exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as ''America's National World War II Museum''.

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as ''America's National World War II Museum'', to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF ''AMERICA'S NATIONAL WORLD WAR II MUSEUM''.—The National D-Day Museum, New Orleans, Louisiana, is designated as ''America's National World War II Museum''.

SEC. 8118. NATIVE AMERICAN VETERAN HOUSING LOANS. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out ''expenses: *Provided,* That no new loans in excess of $5,000,000 may be made in fiscal year 2003.'' from the paragraph under the heading ''Native American Veteran Housing Loan Program Account'' and inserting in lieu thereof ''expenses.''.

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

SEC. 8119. 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'', $3,157,000,000 are hereby rescinded.

SEC. 8120. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TERRORISM INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Terrorism Information Awareness program.

(b) LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law, if and when research and development on the Terrorism 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 of such program or component 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 against non-United States persons.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Terrorism Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(d) DEFINITIONS.—In this section:

(1) TERRORISM INFORMATION AWARENESS PROGRAM.—The term ''Terrorism Information Awareness program''—

(A) means the components of the program known either as Terrorism Information Awareness or Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term ''non-United States person'' means any person other than a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

SEC. 8121. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $125,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Defense-Wide'', $45,000,000;

''Research, Development, Test and Evaluation, Navy'', $40,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8122. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8123. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

This Act may be cited as the ''Department of Defense Appropriations Act, 2004''.

SA 1218. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SA 1219. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''SHIPBUILDING AND CONVERSION, NAVY'', $20,000,000 shall be available for DDG–51 modernization.

SA 1220. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'' for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 1221. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SA 1222. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $6,000,000 may be available for the National Homeland Security Training Center, Camp Gruber, Oklahoma.

SA 1223. Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $6,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center.

SA 1224. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SA 1225. Mr. STEVENS (for Mr. DODD) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SA 1226. Mr. STEVENS (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'' for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 1227. Mr. STEVENS (for Mr. BREAUX) proposed an amendment to

amendment SA 1217 proposed by Mr. STEVENS to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

SA 1228. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $4,000,000 may be available for night vision goggles in advanced helicopter training.

SA 1229. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,500,000 may be available for the completion of the Rhode Island Disaster Initiative.

SA 1230. Mr. WYDEN (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to enter into, modify, or extend any contract for reconstruction or other services in Iraq until the Secretary of Defense submits to Congress, in writing, a report that details—

(1) the process and standards for designing and awarding contracts for reconstruction and other services in Iraq, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to reconstruction contracts;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to reconstruction contracts;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a list of all such contracts and a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

(b) Not later than 90 days after the date of the enactment of this Act, and at the beginning of each quarter-year thereafter, the Secretary of Defense shall submit to Congress, in writing, a report that details—

(1) any changes made in the processes, policies, and standards set forth in the report submitted under subsection (a);

(2) the implementation and enforcement of the processes, policies, and standards for the designing, awarding, and oversight of contracts for reconstruction and other services in Iraq; and

(3) justifications for any changes in, or failure to implement, the processes, policies, and standards contained in such report.

SA 1231. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'' up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, July 24, 2003 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to conduct oversight of the competitive sourcing effort within the National Park Service. Specifically, the Subcommittee would like to gain a better understanding of the process for determining inherently governmental positions, the number of positions being evaluated, the time schedule and cost for the evaluation, the process for keeping personnel informed during the evaluation, the progress made to date, and the effect on National Park Service management responsibilities.

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, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Pete Lucero at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Proposed United States—Chile and United States—Singapore Free Trade Agreements'' on Monday, July 14, 2003, at 4 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Regina Vargo, Assistant United States Trade Representative for the Americas, Lead Negotiator for the Chile Free Trade Agreement; and Ralph Ives, Assistant United States Trade Representative for Southeast Asia, the Pacific and APEC, Lead Negotiator for the Singapore Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Ms. Kathleen Pierce, a legislative fellow assigned to my office, be afforded floor privileges during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Aaron Ver, an intern for the Defense appropriations subcommittee, be granted privileges of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Eugene Moran, a fellow serving in Senator COCHRAN's office, be granted floor privileges during the consideration of this Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Kathryn Kolbe, a legislative fellow in the office of Senator KAY BAILEY HUTCHISON, be granted floor privileges during the consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Michael Hadley, a defense fellow in her office, be granted the privilege of the floor during consideration of H.R. 2658, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent, on behalf of Senator MCCAIN, that a legislative fellow, Navy CDR Edward Cowan, be granted the privilege of the floor during the consideration of H.R. 2658, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT AMENDMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1280.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1280) to amend the PROTECT Act to clarify certain volunteer liability.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. 1280

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

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

[''(e) VOLUNTEER LIABILITY.—

[''(1) IN GENERAL.—The National Center for Missing and Exploited Children, including any of its officers, employees, or agents, shall not be liable for damages of any kind in any civil action arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any activities under this section.

[''(2) EXCEPTION.—The limitation in paragraph (1) does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law.''.]

''(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

''(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

''(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

''(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee substitute be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1280), as amended, was read the third time and passed, as follows:

S. 1280

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

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

''(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

''(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

''(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

''(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.''.

NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 147, S. 1233.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1233) to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1233) was read the third time and passed, as follows:

S. 1233

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 ''National Great Black Americans Commemoration Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including those who have served in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, as well as others who have made significant contributions to benefit the Nation.

(3) The Great Blacks in Wax Museum, Inc. plans to expand its existing facilities to establish the National Great Blacks in Wax Museum and Justice Learning Center, which is intended to serve as a national museum and center for presentation of wax figures and related interactive educational exhibits portraying the history of great Black Americans.

(4) The wax medium has long been recognized as a unique and artistic means to record human history through preservation of the faces and personages of people of prominence, and historically, wax exhibits were used to commemorate noted figures in ancient Egypt, Babylon, Greece, and Rome, in medieval Europe, and in the art of the Italian renaissance.

(5) The Great Blacks in Wax Museum, Inc. was founded in 1983 by Drs. Elmer and Joanne Martin, 2 Baltimore educators who used their personal savings to purchase wax figures, which they displayed in schools, churches, shopping malls, and festivals in the mid-Atlantic region.

(6) The goal of the Martins was to test public reaction to the idea of a Black history wax museum and so positive was the response over time that the museum has been heralded by the public and the media as a national treasure.

(7) The museum has been the subject of feature stories by CNN, the Wall Street Journal, the Baltimore Sun, the Washington Post, the New York Times, the Chicago Sun Times, the Dallas Morning News, the Los Angeles Times, USA Today, the Afro American Newspaper, Crisis, Essence Magazine, and others.

(8) More than 300,000 people from across the Nation visit the museum annually.

(9) The new museum will carry on the time honored artistic tradition of the wax medium; in particular, it will recognize the significant value of this medium to commemorate and appreciate great Black Americans whose faces and personages are not widely recognized.

(10) The museum will employ the most skilled artisans in the wax medium, use state-of-the-art interactive exhibition technologies, and consult with museum professionals throughout the Nation, and its exhibits will feature the following:

(A) Blacks who have served in the Senate and House of Representatives of the United States, including those who represented constituencies in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia during the 19th century.

(B) Blacks who have served in the judiciary, in the Department of Justice, as prominent attorneys, in law enforcement, and in the struggle for equal rights under the law.

(C) Black veterans of various military engagements, including the Buffalo Soldiers and Tuskegee Airmen, and the role of Blacks in the settlement of the western United States.

(D) Blacks who have served in senior executive branch positions, including members of Presidents' Cabinets, Assistant Secretaries and Deputy Secretaries of Federal agencies, and Presidential advisers.

(E) Other Blacks whose accomplishments and contributions to human history during the last millennium and to the Nation through more than 400 years are exemplary, including Black educators, authors, scientists, inventors, athletes, clergy, and civil rights leaders.

(11) The museum plans to develop collaborative programs with other museums, serve as a clearinghouse for training, technical assistance, and other resources involving use of the wax medium, and sponsor traveling exhibits to provide enriching museum experiences for communities throughout the Nation.

(12) The museum has been recognized by the State of Maryland and the city of Baltimore as a preeminent facility for presenting and interpreting Black history, using the wax medium in its highest artistic form.

(13) The museum is located in the heart of an area designated as an empowerment zone, and is considered to be a catalyst for economic and cultural improvements in this economically disadvantaged area.

SEC. 3. ASSISTANCE FOR NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER.

(a) ASSISTANCE FOR MUSEUM.—Subject to subsection (b), the Attorney General, acting through the Office of Justice Programs of the Department of Justice, shall, from amounts made available under subsection (c), make a grant to the Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, to pay the Federal share of the costs of expanding and creating the National Great Blacks in Wax Museum and Justice Learning Center, including the cost of its design, planning, furnishing, and equipping.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (a), the Great Blacks in Wax Museum, Inc. shall submit to the Attorney General a proposal for the use of the grant, which shall include detailed plans for the design, construction, furnishing, and equipping of the National Great Blacks in Wax Museum and Justice Learning Center.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

NOMINATION RECOMMITTED TO THE JUDICIARY COMMITTEE—CALENDAR NO. 298

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that Calendar No. 298, Christopher Wray, be recommitted to the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 15, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, July 15. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees, provided that, at 10:30 a.m., the Senate resume consideration of H.R. 2658, the DOD appropriations bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. The chairman and ranking member were able to work through several amendments today, and the Senate will continue the amendment process tomorrow morning. Several Senators still wish to speak on the bill, and I encourage all Members who wish to offer an amendment to contact the chairman or the ranking member so they can schedule an orderly consideration of all amendments. We remain hopeful that the Senate can complete action on this vital appropriations bill during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, 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 6:27 p.m., adjourned until Tuesday, July 15, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 2003:

DEPARTMENT OF JUSTICE

MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE LACEY A. COLLIER, RETIRING.

PAUL MICHAEL WARNER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

CRAIG S. ISCOE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE FREDERICK D. DORSEY, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 2003:

THE JUDICIARY

ROBERT C. BRACK, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

SAMUEL DER-YEGHIAYAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 338, on approval of H. Res 310, providing for the consideration of H.R. 2211, the ''Ready to Teach Act.'' Had I been present, I would have voted ''nay'' on H. Res 310.

IN RECOGNITION OF THE VIETNAM VETERANS OF AMERICA, QUEENS CHAPTER #32 ON THE OCCASION OF THE DEDICATION OF 76TH AVENUE IN GLENDALE, NEW YORK AS ''VIETNAM VETERANS LANE''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the veterans of the Vietnam War and to honor in particular the members of the Queens Chapter #32 of the Vietnam Veterans of America. All of us owe a tremendous debt of gratitude to the Americans who served abroad in the armed forces during our nation's longest and perhaps most difficult military conflict. I am pleased to recognize the service to our country of all the members of Queens Chapter #32 of the Vietnam Veterans of America and of its President, Pastor Toro, Jr.

This month, in recognition of their service to our nation and to our city, the Queens Chapter #32 of the Vietnam Veterans of America is being honored by the rededication of a portion of 76th Avenue as ''Vietnam Veterans Lane.'' This thoroughfare, located between Woodhaven Boulevard and 88th Street in the Glendale neighborhood of the Borough of Queens in New York City, is the permanent location of Queens Chapter #32 of the Vietnam Veterans of America. The members of the Queens Chapter #32 have truly earned our gratitude, admiration, and appreciation.

At the dedication ceremony for Vietnam Veterans Lane, the ''Order of the Silver Rose'' will be presented to several Chapter members who have suffered from a multitude of illnesses and symptoms associated with exposure to ''Agent Orange.'' These veterans continue to pay a price for their willingness to serve our country, and it is only fitting that we acknowledge their sacrifice on behalf of all of us.

Although it has been just over three decades since our troops engaged in active combat in Vietnam, we will never forget the bravery of all those who served and the ultimate sacrifice of the more than 58,000 military personnel who gave their lives in service to their country.

Mr. Speaker, I ask my colleagues to join me honoring the veterans of the Vietnam War. It is a fitting tribute that New York City is naming a street in honor of those who served in Vietnam.

CONGRATULATIONS TO TAIWAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, Taiwan President Chen Shui-bian recently celebrated his third anniversary in office. He has done many good things for his country and strengthened Taiwan's ties with America.

Taiwan has been very cooperative with the United States in our global war against terrorism, and Taiwan has pledged assistance to post-war Iraq. In addition, Taiwan has provided medical assistance and humanitarian aid to a number of African nations.

We hope Taiwan will continue to prosper in the future. We are glad to hear that Taiwan has been declared SARS free and it is now safe to travel to Taiwan and other parts of Asia.

We also hope that the United States will soon increase trade opportunities with Taiwan by launching negotiations on a free trade agreement.

Congratulations, President Chen.

TRIBUTE TO DEPUTY CHIEF MICHAEL J. SIKA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to an exceptional individual, Michael J. Sika, who was officially sworn in as Deputy Chief of Detectives for the Passaic County prosecutor's Office on Wednesday, July 2, 2003.

For the past 22 years, Deputy Chief Sika has devoted himself to ensuring the safety of the people of New Jersey. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Michael Sika began his career in law enforcement in 1981 as a New Jersey State S.P.C.A. Officer. In 1983, he was promoted to Sergeant and assigned to the Special Investigations in the Severe Cruelty to Animals Unit where he and his unit targeted pit bull fighting and cock fighting matches.

It was only four short years later that Michael began working as a Passaic County Investigator in the Prosecutor's Office. In addition to his duties in the Juvenile Court Unit, the Court Squad / Extraditions Unit and the Environmental Prosecutor's Unit, Michael began to augment his previous training in Title 4—Statutes, Arrest, Search & Seizure and Firearms, by attending the Division of Criminal Justice Training Academy where he received the Academic Excellence Award.

Mr. Speaker, perhaps most impressive is the work that Michael has done since his 1992 promotion to the position of Sergeant in charge of the Environmental Crimes Unit. During his eleven year tenure with the Environmental Crimes Unit, Michael worked with Federal, State, and Local authorities in the investigations of over 300 cases involving hazardous waste. He attended numerous courses in Explosives, Weapons of Mass Destruction, and Haz-Mat Techniques, and he has served as a Certified Instructor in Firearms and Environmental Crimes at the Passaic Police Academy since 1994.

In September 2002, Michael Sika was promoted to the rank of Captain and assigned as the Commander of the newly formed Passaic County narcotics Task Force. Less than a year later, he was promoted to Acting Deputy Chief, and was subsequently reassigned to assist Chief Glenn Brown in the reorganization of the Investigators' Staff of the Prosecutor's Office.

Mr. Speaker, the job of a United States congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of such an outstanding individual. Deputy chief Michael Sika's long history of service to the people of Passaic County, and his commitment to educating those that choose to follow in his footsteps is beyond compare.

Mr. Speaker, I ask that you join our colleagues, the Passaic County Prosecutor's Office and me in recognizing the invaluable service of Deputy Chief Michael J. Sika.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. FRANKS of Arizona. Mr. Speaker, June 25, I attended the funeral of the Honorable Bob Stump in Phoenix, Arizona and missed votes on the following measures:

S. 858—To extend the Abraham Lincoln Bicentennial Commission, and for other purposes (#312). Had I been present, I would have voted ''aye.''

H.R. 2474—To require that funds made available for fiscal years 2003 and 2004 for the Bill Emerson and Mickey Leland Hunger Fellowships be administered through the Congressional Hunger Center (#313). Had I been present, I would have voted ''aye.''

H.J. Res. 40—To recognize the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary (#314). Had I been present, I would have voted ''aye.''

H. Con. Res. 49—To express the sense of the Congress that the sharp escalation of anti-

Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences (#315). Had I been present, I would have voted ''aye.''

H. Res. 199—To call on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes (#316). Had I been present, I would have voted ''aye.''

H. Res. 294—To condemn the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism (#317). Had I been present, I would have voted ''aye.''

THE STATE OF AFRICA: THE BENEFITS OF THE AFRICAN GROWTH AND OPPORTUNITY ACT—NEXT STEPS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. RANGEL. Mr. Speaker, the African Growth and Opportunity Act (AGOA) has been in effect for over 2½ years. It was implemented on October 2, 2000.

At present, 38 sub-Saharan African countries are designated as eligible under the African Growth and Opportunity Act (AGOA); however, implementation of trade benefits for two of these countries, Democratic Republic of Congo and the Gambia, is not final. Two other countries achieved eligibility on January 1, 2003, Côte d'Ivoire and Sierra Leone. (The attachment lists the eligible 38 countries.)

To date, small countries near South Africa have been the most successful users of the program so far—Lesotho and Swaziland have tripled exports to the United States since 1999. Lesotho's exports to the United States, for example, are up from $110 million to $321 million in 2002. In practical terms, these sales have created 15,000 jobs. Farther north, export growth has been strong in Kenya—whose government believes AGOA has created 150,000 local jobs. South Africa is now an auto exporter, shipping 17,000 cars to the United States in the first 10 months of 2002.

Additionally, 19 AGOA countries have met the additional requirements to receive duty-free and quota-free treatment for exports of their apparel and textiles products. Seventeen of the 19 countries have qualified for the provisions for less-developed countries, which allows the use of non-U.S. and non-AGOA fabric through September 30, 2004 (only Mauritius and South Africa are not eligible).

AGOA's sectoral effects to date have been most evident in the textiles and apparel sector. In 3 years, AGOA textile and apparel exports to the United States have doubled, rising from $570 million in 1999 to $1.1 billion for 2002. This total comprises 9 percent of all AGOA exports. AGOA exports now comprise approximately 2 percent of all U.S. textile and apparel imports—a 100 percent increase from 2000, when AGOA took effect. Africa's 92 percent export growth rate in textile and apparel products is 10 times that for China, Latin America, Europe and other major textile and apparel exporters.

Energy-related exports from AGOA countries continue to predominate; however, their overall share is declining, e.g., down to 76 percent of AGOA imports in 2002, from 83 percent in 2001. Additionally, the reason for the decline is not because energy exports from AGOA countries have dropped, but rather other imports have increased. For example, AGOA imports of transportation equipment were 4 percent of all AGOA imports in 2001, but those imports grew by 81 percent and are now 6 percent of all imports under AGOA.

Not all African countries have participated fully and equally in AGOA's remarkable early record of success. Progress has been less evident for Tanzania, Ethiopia and much of West Africa. Moreover, despite the success in textiles and apparel, overall U.S. imports from Africa dropped by $3.4 billion, or about 25 percent, last year. This is because most African countries still rely on natural resources (especially oil, diamonds and precious metals) whose prices are volatile. Higher light-manufactured exports were thus offset by lower prices for oil and natural gas early in 2002, which cut Africa's energy export revenue by about $4 billion, while South Africa saw a $400 million decline in exports of platinum, palladium and rhodium.

More serious in the long term is that AGOA benefits are limited in agriculture. Here, largely due to lower coffee and cocoa prices, Africa's exports are down by 4.5 percent (or $25 million) since 1999. EU and American subsidies also probably hamper African farmers trying to diversify out of tropical commodities. However, AGOA does seem to be helping Africa export value-added agricultural products; while preserved fruits, vegetables and juices are still a small percentage of Africa's total farm exports, they are up from $22 million to $39 million since 1999, with South Africa the leading supplier.

To ensure that AGOA's early successes continue, it needs to be updated, extended and expanded to meet the current and future challenges in the U.S.-Africa trading relationship. Key issues that need to be addressed include the following:

The more liberal apparel benefits for least-developed AGOA countries are set to expire in 2004, just as worldwide quotas will be eliminated. (Currently, least-developed AGOA beneficiaries can use third country fabric in qualifying apparel. This flexibility was necessary because few of these countries have fabric-making capacity.)

I propose to extend LDC benefits for a short period of time, while creating incentives for LDC countries to develop fabric-making capacity. All AGOA benefits (apparel and otherwise) expire in 2008. The President has already indicated he will support an extension of the overall program beyond 2008. I propose to make AGOA benefits permanent. Sub-Saharan Africa has a tremendous amount of opportunity to export agricultural products. Unfortunately, many of the products do not meet U.S. sanitary/phytosanitary requirements. Currently, there are only about three USDA personnel (APHIS workers) providing technical assistance to the Africans to meet U.S. standards. Include a provision providing substantially more technical assistance for development of the agricultural sector.

The AGOA apparel rules of origin (yarn forward requirements, very specific rules on findings, trimmings, etc.) are fairly onerous, and in many cases, make little commercial sense. Streamline the rules of origin.

The United States is currently a party to dozens of international tax treaties with other countries. These treaties prevent double taxation for U.S. firms operating abroad, and include transparency requirements for other countries' systems of taxation.

Include a provision encouraging the Secretary of the Treasury to negotiate tax treaties with appropriate AGOA countries.

HIV/AIDS, malaria and tuberculosis epidemics continue to plague the continent. Include a provision to provide tax credits to U.S. firms with operations in AGOA countries when they make cash contributions to the global fund to fight HIV/AIDS, malaria and tuberculosis.

The main deterrent to African investment is the lack of infrastructure in AGOA countries. Find a way to increase development in this area—perhaps through OPIC or the World Bank/IMF. There are several areas where Congress can clarify its intent. An AGOA III bill would be a natural venue to address these issues.

Imports under AGOA have been a significant share of all U.S. imports from sub-Saharan Africa. In 2001, AGOA imports were $8.2 billion, or 39 percent of the total U.S. imports from sub-Saharan Africa of $21 billion. In 2002, AGOA imports rose to $9 billion, or 49 percent of the total U.S. imports of $18.2 billion from the region.

Since petroleum imports are by far the major imports under AGOA, Nigeria, a leading oil producer, is the major import supplier under AGOA. Nigeria supplied 60 percent of AGOA imports in 2002, and together with South Africa (15 percent) and Gabon (13 percent), accounted for 88 percent of all AGOA imports last year. In comparison, 14 AGOA-eligible countries accounted for less than 1 percent of AGOA imports, and of those, 5 did not ship anything.

In 2002, the 107th Congress approved several amendments to the AGOA in the Trade Act of 2002. These amendments are commonly called AGOA II. They include doubling the cap for apparel assembled in an AGOA country from fabric made in an AGOA country to 7 percent of overall imports over an 8-year period (by 2008). However, the cap under the special rule for lesser-developed countries was left unchanged. They allowed Namibia and Botswana to qualify for the special rule for less-developed countries, even though their per capita incomes exceed the limit set under AGOA. They clarified that AGOA benefits be given to ''knit-to-shape'' articles, garments cut in both the United States and an AGOA beneficiary country (''hybrid cutting''), and merino wool sweaters knit in AGOA beneficiary countries. They authorized $9.5 million to the Customs Service for textile transhipment enforcement, and broadened trade adjustment assistance to cover production shifts to an AGOA beneficiary country.

The United States and five southern African countries (Botswana, Lesotho, Namibia, South Africa and Swaziland) are scheduled to begin free trade agreement (FTA) negotiations in late May. Preliminary discussions have focused on the negotiation's timetable and framework. Once begun, FTA negotiating rounds are expected to occur every 7 weeks with the target completion date set for the end of 2004. USTR notified Congress of its intent

to enter into these negotiations in November 2002. Since this will be the United States' first FTA in sub-Saharan Africa, other AGOA countries will be watching the process closely to determine how they might take advantage of such an opportunity in the future.

USTR appears to understand that a more ''developmental'' approach needs to be taken with the SACU FTA. Specifically, USTR has told Congressional staff that they: (1) recognize the need for asymmetrical treatment, i.e., treating Botswana, Swaziland, Nambia and, particularly, Lesotho (an LLDC country) differently than South Africa; and (2) will strive to provide sufficient technical assistance to help these countries eventually become full FTA trading partners. An initial $2 million in U.S. funds has already been set aside for new trade capacity building initiatives related to the FTA. USTR believes they can attain these goals even while addressing U.S. industries' interests.

SACU is the largest U.S. export market in sub-Saharan Africa. U.S. exports to SACU totaled more than $3.1 billion in 2001—most to South Africa ($3 billion). Leading U.S. sales to the region include machinery, vehicles, aircraft, medical instruments, plastics, chemicals, cereals, pharmaceuticals and wood and paper products. U.S. foreign direct investment in the SACU countries totaled $2.8 billion in 2000, largely in manufacturing, wholesaling and services.

The five SACU countries are leading beneficiaries of the African Growth and Opportunity Act (AGOA). The SACU countries were the top U.S. supplier of non-fuel goods under AGOA in 2001, accounting for more than a quarter of U.S. non-fuel imports from eligible sub-Saharan African countries. (Since oil exports boost the export numbers for many African countries, one needs to look at non-fuel exports to assess the benefit of AGOA.) Between 2000 and 2001, total U.S. non-fuel AGOA goods from South Africa grew by more than 30 percent, from Lesotho by 53 percent, and from Swaziland by 50 percent. Increases were seen in the textile and apparel, transportation equipment and agriculture sectors. As a result of AGOA, Namibia received a multimillion investment in an integrated textile and clothing production complex, and negotiations are under way for two additional factories.

ELIGIBLE AGOA COUNTRIES

(1) Benin, (2) Botswana*, (3) Cameroon*, (4) Cape Verde*, (5) Central African Republic, (6) Chad, (7) Congo, (8) Côte d'Ivoire, (9) Democratic Republic of Congo, (10) Djibouti, (11) Eritrea, (12) Ethiopia*, (13) Gabonese Republic, (14) The Gambia, (15) Ghana*, (16) Guinea, (17) Guinea-Bissau, (18) Kenya*, (19) Lesotho*, (20) Madagascar*, (21) Malawi*, (22) Mali, (23) Mauritania, (24) Mauritius*, (25) Mozambique*, (26) Namibia*, (27) Niger, (28) Nigeria, (29) Rwanda*, (30) Sao Tome and Principe, (31) Senegal*, (32) Seychelles, (33) Sierra Leone, (34) South Africa*, (35) Swaziland*, (36) Tanzania*, (37) Uganda*, (38) Zambia*. (*Countries eligible for apparel provision.)

TRIBUTE TO CHIEF GLENN L. BROWN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual, Chief Glenn L. Brown, who was officially sworn in as Chief of Detectives for the Passaic County Prosecutor's Office on Wednesday, July 2, 2003.

Chief Brown has dedicated the past 27 years to tirelessly serving the people of Passaic County. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

Glenn Brown began what would become a distinguished career in public safety in 1980 when he was appointed to the Paterson Fire Department. His dedication and valor was widely noted and, during his tenure with the Fire Department, he received numerous citations from the NJ State FMBA, the American Legion, FMBA #2, Firehouse Magazine, former Mayor of Paterson Frank X. Graves, and the Paterson City Council.

In 1989, Chief Brown was appointed to the Passaic County Prosecutor's Office where he was initially assigned to the Narcotics Task Force. In 1992, he was promoted to Senior Investigator and reassigned to the Arson Section of the Major Crimes Unit where he undertook the training of all County Arson Investigators. It was while working in this capacity that Chief Brown helped to establish the Red CAP Program which significantly reduced the number of fires in vacant buildings in the city of Paterson. Largely due to the success of this program, the Passaic County Arson Unit was officially named Arson Unit of the Year in 1998.

As a Senior Investigator within the Major Crimes Unit, Chief Brown was frequently placed in charge of handling Special Investigations and assisting the Sheriff's Department Bomb Squad. He was promoted to Sergeant in 1997, at which point he formally took charge of the Unit. Three years later, Chief Brown was promoted to Lieutenant, becoming second in command of the Major Crimes Unit.

In September 2002, then Lieutenant Brown was promoted to Deputy Chief of Detectives and placed in command of the Passaic County Prosecutor's investigative staff. A mere eight months later he became Acting Chief of Detectives where his first task was to reorganize the Prosecutor's Office investigative staff.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing individuals who have devoted themselves to serving the special needs of the people in their community. Chief Brown's long history of leadership and service to the people of Paterson and Passaic County is unparalleled.

Mr. Speaker, I ask that you join our colleagues, the Passaic County Prosecutor's Office and me in recognizing the invaluable service of Chief Glenn L. Brown.0.1.

TRIBUTE TO ROBERT J. GRAVES ON HIS 90TH BIRTHDAY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Robert J. Graves, who will be celebrating his 90th birthday on July 17th of this year. As a leader in the agriculture industry for over half a century and a veteran of World War II, Mr. Graves has served both his country and community with inspiring dedication.

Robert Jackson Graves was born in 1913 in Manhattan, Kansas, the first of five children. In 1935, Mr. Graves graduated from the University of Maryland at College Park with a BA in Agriculture Economics. After graduation, Mr. Graves took a job at the U.S. Department of Agriculture as a Regional Director for Marketing Administration.

After a few short years with the Department of Agriculture, Mr. Graves went to serve our country in World War II. When a tropical disease forced his return to the states, Mr. Graves continued to serve our country by working in procurement and supply for the U.S. Navy while stationed in Philadelphia and Washington, D.C.

After the war, Mr. Graves' work endeavors brought him to California's San Joaquin Valley, where, as a contractor, he supervised the building of a number of migrant farmworker camps. It was in the San Joaquin Valley that he found success as an entrepreneur, starting the Real Fresh Milk Company, which utilized a patented process developed by his father. The company produced a line of innovative dairy products, and it was his efforts to market globally that made his fresh milk a highly coveted commodity on military bases throughout Southeast Asia and the Middle East.

Mr. Graves continued to contribute to the growth and development of the United States food industry through his extensive involvement with the National Food Processors Association, where he served on the Board of Directors for six years, chaired the Public Affairs Council, and served as Director of the National Food Laboratory Inc.

Mr. Graves has remained involved with California agriculture over the past thirty years through his association with the walnut industry. He has held many prestigious posts in this capacity, serving as a member of the Sun-Diamond Growers board of directors for 24 years before he retired in 2000. During this time he also served as a member of the Federal Walnut Marketing Board, and he currently serves as the alternate director of the California Walnut Marketing Association.

Mr. Speaker, Mr. Graves has served his country and his community with pride and determination. I ask my colleagues to join me today in congratulating Robert J. Graves as he celebrates his 90th birthday.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mrs. MUSGRAVE. Mr. Speaker, if I had been present during the vote on the Intelligence Authorization Act of 2004, I would have voted ''yea.''

TRIBUTE TO MR. SELVIN J. WHITE, SR. AND MRS. JEANNE A. WHITE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of a couple who I am proud to call my friends. Mr. Selvin J. White, Sr. and Mrs. Jeanne A. White celebrated their 50th wedding anniversary on July 5, 2003, at the Spain Restaurant in Newark, New Jersey.

For the past fifty years, Mr. and Mrs. White have wholeheartedly committed themselves to serving the families of the city of Newark, New Jersey. It is only fitting that, upon the auspicious occasion of their 50th Wedding Anniversary, they be honored, in this, the permanent record of the greatest freely elected body on earth.

Selvin and Jeanne White first met at a Newark family gathering in January 1951. They were married two years latter, in July 1953. From the very beginning of their marriage, Selvin and Jeanne dedicated much of their time and energy to serving the members of their community.

Jeanne, a graduate from the Newark State Teachers College with a B.S. in Elementary Education, began teaching Special Education/Hard of Hearing students in Elizabeth in 1953. Her devotion to the students whom she taught has always been self-evident, though perhaps never more so than in her decision to remain in the classroom even after receiving her Master of Arts Degree and Doctoral Equivalency Degree in School Administration and Supervision from the prestigious Seton Hall University. The leadership, compassion, and love that she has shared has made a lasting impression on the lives of all how have had the pleasure of knowing her.

Like his wife, Selvin has been extremely active in the city of Newark and its environs. A Deacon at the First Mt. Zion Baptist Church for almost 30 years. Selvin and his wife have worked tirelessly to improve the social and academic possibilities available to the city's youth. The Newark Chancellor Avenue School Youth Organization, the Newark South Ward Little League, the Newark Chancellor Avenue School Parent Teacher Association, and the Weequahic High School Parent Teacher Association are just a few of the numerous organizations with which they have been involved. Most recently, they have worked to establish and ensure the continuation of the First Mount Zion Baptist Church Scholarship Fund to help assist youth in the congregation attend college.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing two individuals who have so generously given of themselves to the community in which they live. Selvin and Jeanne's long history of leadership, compassion, and service to the people of Newark is unparalleled. Many Newark families owe them a debt of gratitude.

Mr. Speaker, I ask that you join our colleagues, their only son, Selvin J. White, Jr., the members of the White family, and me in recognizing the invaluable service of Selvin J. White, Sr. and Jeanne A. White.

RECOGNIZING THE EXTRAORDINARY ACHIEVEMENT OF THE PEOPLE OF TAIWAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I stand today to welcome the much-anticipated announcement made by the World Health Organization, WHO, on July 5th that the country of Taiwan has been removed from the list of areas still at risk of further transmission of the disastrous epidemic known as SARS.

My sympathies are extended to the citizens of Taiwan whose lives have been transformed in recent months by the fear, devastation and uncertainty that has been instilled in those regions where the SARS virus has laid its insidious roots. I admire the will and determination of the Taiwanese people who have responded to loss of life, economic instability, and a strained health system with an admirable show of strength and national unity.

Although we are optimistic that a resurgence of such fearful outbreaks will never occur again, it is important that we gain valuable lessons from the SARS epidemic in a global context. I anticipate that the WHO will abide by the resolution on SARS passed by the World Health Assembly on May 28, 2003 to continue cooperating closely with Taiwan.

The global disease prevention network has proven to be a forceful unit in combating and curbing health threats and its devastating effects. I trust that after Taiwan's ordeal through SARS, the WHO will invite Taiwan to join this cohesive body in order to strengthen and invigorate this task force in preparation for future exigency.

Mr. Speaker, I would like to congratulate the people of Taiwan for their extraordinary resilience in battling an epidemic that has brought distress and anguish to many parts of the world.

TRIBUTE TO THE U.S. VETERANS OF TEMPLE SHOLOM

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr Speaker, I would like to call to your attention the great service and patriotism demonstrated by the members of the congregation of Temple Sholom in Cedar Grove, New Jersey who so valiantly served and fought on behalf of the American people. On Friday, May 23, 2003, at the Sabbath eve service, the Brotherhood of Temple Sholom commenced the celebration of Memorial Day Weekend by honoring those members of its congregation who are veterans of the armed forces of the United States of America.

As a veteran of the United States Army and the Army Reserve, I am honored to join the Brotherhood of Temple Sholom in paying tribute to the great dedication and loyalty that these men have demonstrated for their country. In giving so generously of themselves, they have ensured the safety of our country, while defending the human right to justice, freedom, and peace throughout the world. Their selfless and unquestioning commitment to promoting the tenets of liberty and democracy on which our country is founded deserves an expression of our esteem.

I believe it is only fitting that each of these men and their contributions to the United States of America be saluted, in this, the permanent record of the greatest freely elected body on earth.

The members of the congregation of Temple Sholom who served on active duty in the armed forces of the United States are: Marcel Bollag, 2nd Lieutenant, United States Army, WWII; Samuel Brummer, Pfc., United States Army, WWII; Norman Cohen, Pfc., United States Army; Charlie Dryfoos, SP 3, United States Army, WWII; Stuart J. Freedman, Captain, United States Army; Jerome Gold, Chief Warrant Officer, United States Army, WWII, 1941–1945; Jerome Goodman, Corporal, United States Army, WWII; Irving Greenberg, Corporal, United States Army, 1946–1948; Martin M. Gross, Lieutenant, United States Army, WWII; Dr. Richard Kaiser, Lieutenant Commander, United States Navy, 1971–1973; Arthur Kleinberg, Pfc., United States Army, Korean War, 1954–1955; Arthur Kolodkin, Corporal, United States Army, Korean War; Arthur Krupp, Corporal, United States Army, WWII, 1942–1946; Philip Kupchik, Sergeant, United States Army, WWII; Irving Levinson, Tech 2nd Grade, United States Army, WWII; Ed Maged, Pfc., United States Air Force, 1944–1946; Jerry Marks, SP 4, United States Army, Korean War; Joe Nadler, Sergeant, United States Army, Korean War, 1954–1956; David Neumann, Sergeant, United States Army, WWII; Ashley Paston, Pfc., United States Army, WWII, 1944–1945; Rabbi Norman R. Patz, Chaplain, United States Navy, 1965–1967; Alan Reifenberg Corporal, United States Marine Corps, currently serving in Iraq; Ray Rowen, Pfc., United States Army, WWII, Korean War; Stanley Scheiner, Sergeant, United States Army, 1956–1958; Stanley Sigman, Sergeant, United States Army Air Corps, WWII; Stanley Silverman, Lieutenant, United States Navy Air Corps, WWII, 1942–1946; Stephen Sobel, 1st Lieutenant, United States Air Force, 1958–1960; Carl Solomon, Ordnance Officer, United States Army, Korean War, 1952–1954; Ben Steinberg, Pfc., United States Army, WWII; Bernard Sterling, 1st Lieutenant, United States Army, WWII; Lee Wasserman, Corporal, United States Army, WWII; Morris Wishnack, United States Army, 1957, 1961–1962; Peter Wolff, Pfc., United States Army, WWII; and Hersh Zitt, United States Army Air Corps, WWII.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the sacrifices and patriotism of this country's veterans.

Mr. Speaker, I ask that you join our colleagues, the Brotherhood of Temple Sholom, and me in recognizing the outstanding and invaluable efforts of these brave men.

TRIBUTE TO WILMINGTON TRUST COMPANY, 100 YEARS OF BUSINESS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today to honor and pay tribute to a leader in the business and banking community—Wilmington Trust Company, one of the nation's principal providers of wealth advisory, banking, and corporate client services. Wilmington Trust is celebrating 100 years of business, a milestone few companies manage to achieve. This company has proved outstanding over the years and on behalf of myself and the citizens of the First State, I would like to congratulate Wilmington Trust on all of their accomplishments in the past 100 years and offer it continued success in the many years to come.

Today, I recognize Wilmington Trust for their accomplishments in the State of Delaware as well as the rest of the nation. Serving clients in 60 countries demonstrates their strong loyalty and support from all their customers.

Family, friends, and fellow Delawareans can now take a moment to truly appreciate everything Wilmington Trust has offered to the community. One hundred years ago, T. Coleman duPont recognized the need for secure financial resources in Delaware's growing business sector. The company has never had an unprofitable year and is currently only one of 159 public companies to have increased its dividend for over 20 consecutive years.

July 8, 1903, marks the first day for the banking, trust, and safe deposit company, originally run out of the dining room of a private residence. Mr. duPont served with remarkable vision as President and Chairman of the company from 1903–1912. After being with Wilmington Trust for over 30 years, Robert V.A. Harra, Jr. was elected President in 1996 and is currently continuing at this position. The current Chairman, Ted T. Cecala, was elected in 1996 and has worked for Wilmington Trust for over 20 years.

This centennial celebration signifies 100 years of service, growth, and commitment to the company's founding principles of integrity, stability, continuity, independence, and excellence. These core beliefs will help form the foundation for Wilmington Trust's promising future.

Wilmington Trust's accomplishments and contributions cannot be commended enough. As the company celebrates their diamond anniversary, we can be sure their contributions will continue for many years. Their commitment to serving the community has earned Wilmington Trust a permanent place in Delaware's history.

TRIBUTE TO LLOYD GAYLES REESE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of an outstanding individual, Mr. Lloyd Gayles Reese of Paterson, NJ, who sadly passed away earlier this week. It is only fitting that his legacy be immortalized in this, the permanent record of the greatest freely elected body on earth.

Lloyd began his life's journey on January 22, 1938. Born the second son of Theodore and Cornelia Gayles Reese, Lloyd spent this formative years in Westfield, AL. Already known for its production of steel and the baseball legend, Willie Mays, Westfield would also become known for producing a musical legend as well. Whether through vocal talent or mastering an instrument, the entire Reese family was musically blessed.

During his grade school and high school years Lloyd was devoted to playing the piano. Upon graduating high school, he was offered several college scholarships for his musical talent. Choosing to attend Miles College in Birmingham to be close to his family proved to be a wise choice for Lloyd. While at Miles, his self-composed songs and lyrics gained national attention upon being published in a national anthology of college poems.

Lloyd's musical talent was discovered by the late Dorothy Love Coates who witnessed his abilities at the Municipal Auditorium in Birmingham. She quickly hired Lloyd to travel with the ''Original Gospel Harmonettes.'' His career with the group was abrupt, however, as Lloyd was drafted to serve in the Army.

Service to his country did not deter Lloyd's passion and dedication to music. He formed ''The Originals,'' a singing group at the Dugway Proving Ground Army Post, in Utah, where Lloyd was stationed. The group was so popular that they participated in All-Army concerts.

Upon receiving an honorable discharge from the Army, Lloyd came to my hometown of Paterson, NJ. Upon his arrival, he became the choir director for the Solid Rock Baptist Church. Lloyd's dedication and talent with the choir led to their recording on the Verve-MGM label. This was only the beginning of many records for Lloyd. Throughout his professional career, he enjoyed such hits as ''Until we Meet Again'' and ''Spread a Little Sunshine.'' Due to the success of his musical endeavors, Lloyd was able to perform on the great stages in America, including Radio City Music Hall, in New York City.

Lloyd returned to focusing on choir performances after the passing of his oldest brother Theodore Reese, Jr. He began working with the United Presbyterian Church and the Community Baptist Church of Love, both in Paterson. In addition he joined the William Paterson College community as the Choir Director.

''Professor Reese'' spent his life devoted to his talent and his family. The legacy he leaves us with, should remind us all to be true to our talents and our loved ones. Lloyd has left an indelible mark on everyone who has heard and experienced his music.

Mr. Speaker, I ask that you join me, our colleagues, Lloyd's family and friends, the Community Baptist Church of Love, City of Paterson and all who have been touched by Lloyd Gayles Reese in recognizing the life of a great man.

A TRIBUTE TO MAJOR JAMES EWALD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CAMP. Mr. Speaker, today I would like to pay special tribute to Major James Ewald for his faithful service to his country and his bold display of courage during the events unfolding on April 8, 2003.

Major James Ewald joined the Air Force on January 15, 1989 and served on active duty until July 1, 1998 when he joined the Michigan Air National Guard's 110th Fighter Wing. Since his transfer to the 110th, Major Ewald has deployed with the unit to numerous stateside training exercises and recently returned from a 4-month tour of duty in Kuwait. While serving in support of Operation Iraqi Freedom, he flew over 30 combat sorties. One such flight occurred on April 8, 2003, when Major Ewald's aircraft was struck by an Iraqi surface-to-air missile, rendering his craft only marginally flyable. Major Ewald flew the wounded-bird for 12 minutes before ejecting. He then evaded capture by masking his presence in thick foliage while awaiting his rescue.

I commend Major Ewald for his extreme devotion to his country. He responded to his country's call of duty, giving of himself for the causes of liberty, justice, and peace. His dedication and sacrifice for his country serves as a shining example to all Americans.

On behalf of the 4th Congressional District of Michigan, I am truly honored to have the opportunity to acknowledge Major Ewald and welcome him home. The United States is deeply indebted to him for all of his efforts and commitment.

As family and friends gather with Major Ewald today, please allow me to join in thanking him for his patriotism, selflessness, and heroic efforts in protecting America's freedom.

TRIBUTE TO MS. GEORGETTE HAUSER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a woman I am proud to represent in the United States Congress, Ms. Georgette Hauser. Georgette was honored on Sunday, April 27, 2003, for her 35 years of dedicated service at the Memorial Day Nursery School in my hometown of Paterson, New Jersey.

It is only fitting that she be honored, in this, the permanent record of the greatest freely elected body on earth, for she has a long history of caring, leadership, and commitment to the children of the Silk City.

Her intense involvement in the Memorial Day Nursery began when Georgette served as a board member. After witnessing the needs

of the children in the program she became a volunteer administrator for the non-profit school. Her first hand experience with the important role the nursery had in the Paterson community, Georgette knew that she was exactly where she was meant to be.

For the next 3 decades, Georgette served as the head of the Memorial Day Nursery School and is still there today. Through her position at the nursery school, she became aware of the need for quality educational facilities for the children of Paterson. Georgette became part of a formative group looking to provide just that. She helped to form Paterson's first charter school. Although the charter school did not succeed, it gave Georgette further insight into the City's educational needs.

Since her experience with the charter school, Georgette has continued to work towards expanding and improving the City's preschool program. As head of the State of New Jersey's oldest nursery school. Georgette has witnessed many changes in her 35 years there.

Today, the Memorial Day Nursery is celebrating its 116th anniversary with the grand opening of its new campus, appropriately named the Hauser Campus. The legacy Georgette has created at the Memorial Day School and the City of Paterson will live on forever.

Georgette has stated that while she may be turning 80 next year, she still has more work to do. When asked about retiring Georgette has been quoted as saying ''What am I going to do if I retire? Sit and chitchat? Forget it.''

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like Georgette Hauser. Her concern for the education and well being of children is unparalleled. We are grateful for her years of dedication and hard work on behalf of the children of Paterson.

Mr. Speaker, I ask that you join our colleagues, the City of Paterson, Georgette's family and friends, all those who have been touched by Georgette and me in recognizing the outstanding and invaluable service of Ms. Georgette Hauser.

HONORING ALBERT DEWITT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monay, July 14, 2003

Ms. LEE. Mr. Speaker, Mr. STARK and I rise today to honor the memory of Alameda City Councilmember Albert DeWitt. Al passed Thursday, July 3, 2003 at the age of 70 after a two-year battle with stomach cancer. He was a staunch advocate for racial equality and affordable housing.

Al spent 9 years on the council after he retired as a mechanic at the Alameda Naval Air Station and almost 40 years in the U.S. Army Reserve, where he earned the rank of Colonel. He was elected on November 8, 1994 as the first African-American Alameda City Council member. He served as Vice Mayor for two years and then acting Mayor for a time last year.

Mr. DeWitt was born and raised in Alabama. He joined the Army in 1950 and served for three years in Germany, where he met and married Josepha Kerler. The couple moved to Berkeley and then Alameda, and raised three children: Albert Hans, Barry and Lisa. He faced prejudice and racism as he rose through the ranks of the Army and Army reserve, but that did not embitter him. He served our country with dedication and distinction.

Councilmember DeWitt studied at Oakland Jr. College. He later went to Golden Gate University at night while working days as a mechanic. In later years, he moved to Washington, D.C. and earned a master's degree in public administration at George Washington University. He was also a graduate of the Industrial College of the Armed Forces, Washington, D.C.

Al served as president of the local NAACP and as a commissioner with the Alameda Housing Authority. He was active with the American Legion, Boys and Girls Club, Library 2000, Kiwanis, Alameda Historic Society and Museum, Navy League and was a member of the Board of Directors of the Alameda Council Boy Scouts of America.

Councilmember DeWitt was a remarkable human being who dedicated his life in service to others. He shared his wisdom and provided us tremendous support. He leaves his wife Virginia, ex-wife, six brothers and sisters, three children, and three grandchildren to cherish his memory. We take great pride in joining his friends, colleagues, constituents and family to salute the wonderful Albert DeWitt. Let us celebrate his legacy by undertaking to uphold the ideals of equality that he held so dear.

TRIBUTE TO JOHN M. MOSCINSKI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Mr. John R. Moscinski. John was recognized on Monday, May 05, 2003 by the Township of Little Falls, New Jersey.

It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication, leadership, and commitment to his community.

John Moscinski was born on October 25, 1920. After graduating from a local high school John proudly served his nation in the Second World War as a Tech Sergeant. Upon his return to the United States, he enrolled in New York University under the G.I. Bill. After two years, however, he had to leave his college studies to support his wife and two children by working two jobs.

John attributes his life's accomplishments to the values and training he received while in the Civilian Conservation Corps, a program initiated by President Roosevelt during the great depression. Beyond the physical skills he acquired working in this program, John also gained valuable leadership qualities. His leadership abilities would prove to be essential when he took a position with the modern day replica of the CCC, the Northeast Americorps Advisory Board. John continues to remain active in his community.

He is currently a member of senior citizen groups in Little Falls and West Paterson, New Jersey as well as a member of the support group at the Veterans Administration hospital in Lyons, New Jersey.

In addition to his involvement in the community, John has remained steadfast in his desire to complete his college education. At the age of 78 he received his Bachelor of Science degree in Health Services from Montclair State University and this year, at the age of 82 he will receive his Master of Arts degree in Community Health as well.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like John Moscinski. I applaud the Township of Little Falls for their initiative in naming May 9, 2003 as John Moscinski Day.

Mr. Speaker, I ask that you join our colleagues, the Township of Little Falls, John's family and friends, all those who have been touched by John and me in recognizing the outstanding and invaluable achievements of John Moscinski.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GIBBONS. Mr. Speaker, as I was absent during the legislative days of July 8, 9, and 10, 2003 on an authorized Congressional Delegation trip abroad, I would like to submit, for the record, the way I would have voted on rollcall votes No. 334 through No. 353: No. 334: ''No''; No. 335: ''Yes''; No. 336: ''Yes''; No. 337: ''Yes''; No. 338: ''Yes''; No. 339: ''Yes''; No. 340: ''Yes''; No. 341: ''Yes''; No. 342: ''Yes''; No. 343: ''Yes''; No. 344: ''Yes''; No. 345: ''Yes''; No. 346: ''Yes''; No. 347: ''No''; No. 348: ''No''; No. 349: ''No''; No. 350: ''No''; No. 351: ''No''; No. 352: ''Yes''; No. 353: ''Yes''.

TRIBUTE TO MR. EUGENE DE BELLIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the work of an outstanding individual, Mr. Eugene De Bellis, of Clifton, New Jersey, who was recognized by the De Bellis School of Performing Arts on Sunday, June 22, 2003, for his lifelong dedication to musical education and the performance arts.

As a musician and music educator, Mr. De Bellis has spent his life fostering the arts. His creativity, boundless generosity, and commitment to the cultural enrichment of others have helped to shape the careers of a number of professionals within the music industry. Therefore, it is only fitting that Mr. Eugene De Bellis be honored, in this, the permanent record of thet greatest freely elected body on earth.

Eugene De Bellis began what would become a distinguished career in music at the early age of nine when he first undertook the study of solfeggio, violin, piano, and accordion. Eugene's musical talent was soon recognized and, several years later, he was invited

to study at a private music school in New York.

As a teenager, Mr. De Bellis performed in Newark, New Jersey, in various bands comprised of musicians from the American Federation of Musicians (Local 16). He continued his formal musical training at the Pietro Deiro Conservatory of Music in New York, while pursuing independent studies in piano performance with Professor Ulysses Senerchia, and Music Theory and Harmony with Professor Otto Cesana and Professor Joseph Biviano of NBC in New York City.

In 1948, Mr. De Bellis began attending Seton Hall University. His tenure there was short-lived, however, and he left Seton Hall after a mere two years to be inducted into the United States Army. While in the United States Army, Mr. De Bellis attended the 9th Infantry Division Band School, and graduated to become a training officer for the Field Army Corp and a member of the prestigious United States Army Band.

Upon leaving the Army, Mr. De Bellis returned to New York to pursue a bachelor's degree in Music Education at New York University. His desire to instill an understanding and love of music in other young artists led to his decision to organize his own private school. In a response to the great need for a school of music in Newark, New Jersey, the De Bellis School of Performing Arts opened its doors in 1952. Fifty-one years later, the De Bellis School of Performing Arts continues to offer courses to students of Instrumental Music, Dance, Voice, and Drama.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the accomplishments of individuals like Eugene De Bellis. His passion and commitment to music education and the community of Newark is unparalleled.

Mr. Speaker, I ask that you join our colleagues, Eugene's family and friends, the faculty and students at the De Bellis School of Performing Arts, and me in recognizing the outstanding and invaluable service of Eugene De Bellis.

TRIBUTE TO GERALD V. PIERARD

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the memory of my friend and constituent, Gerald V. Pierard, the Mayor of the Village of Coal City, whose untimely death occurred on July 9, 2003.

A native of Coal City and graduate of Coal City High School, Mayor Pierard spent much of his adult life serving the citizens of Coal City. Serving a term as Commissioner and then 2 terms as Mayor, the citizens of Coal City displayed their esteem for Mayor Pierard by reelecting without opposition earlier this year to yet another term as their Mayor.

Mayor Pierard also served his country as an officer and fighter pilot in the United States Air Force. He will rest with honor in the Abraham Lincoln National Cemetery.

After his graduation from the University of Illinois and military service, Mayor Pierard returned to the community he loved and began his career of service to Coal City. Largely because of his strong leadership, the Village of Coal City is today well positioned for future growth and prosperity. Displaying great vision, Mayor Pierard expanded the boundaries of Coal City and made major infrastructure improvements such as new streets, a new water system and a new sewage treatment system his priorities. The citizens of Coal City and their families will clearly benefit from the new jobs and higher standard of living which will come about as the result of Mayor Pierard's dedication to his home town.

I am proud to recognize Mayor Gerald V. Pierard as a veteran, family man and progressive community leader—a truly fine example of an outstanding American citizen.

Mr. Speaker, I urge this body to identify and recognize outstanding citizens in their own districts whose actions have so strongly benefitted and strengthened their communities and our great Nation.

TRIBUTE TO THE PATERSON ROTARY CLUB No. 70

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding organization, Paterson Rotary Club #70 that, on Wednesday, June 18, 2003, celebrated 90 years of service.

As a lifelong resident and former mayor of Paterson, I cannot think of another organization that has dedicated itself more to serving the special needs of the city's diverse community. It is only fitting that Paterson Rotary Club #70 be honored, in this, the permanent record of the greatest freely elected body on earth.

Established in 1913, Paterson Rotary #70 held its first meeting of civic leaders and professional businessmen on February 25th at Crawford's Restaurant in Paterson, New Jersey. Over the ensuing 90 years, the members of the Paterson Club have exemplified the Rotary's time-honored motto ''Service Above Self.''

From its inception, Paterson Rotary #70 has dedicated itself to assisting the local youth of Paterson. One of its earliest projects was the establishment of the Rotary Student Loan Fund which has enabled numerous young men and women to continue their education in colleges and universities around the country. While still in its formative years, the Paterson Rotary similarly chose to support the Paterson YMCA and, in the 1940s, the club assumed an instrumental role in the construction of a large social hall at the YMCA's summer camp at Silver Lake in Sussex County.

Over the years the Paterson Rotary has expanded the scope of its service to include regular support of the Memorial Day Nursery, the Gift of Life Program, and the Salvation Army. Yet its initial focus on the youth of Paterson has not been forgotten. Acting in the spirit with which it was founded, the Rotary Club currently sponsors various self-help programs for local students, High School Interact Clubs, and numerous Rotary Youth Leadership Awards, while providing support for the local PAL, the Boys and Girls Club, the Boy Scouts, the Paterson Education Fund, and the Nathaniel Lieberman Scholarship Fund for Paterson students pursuing careers in music.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing organizations such as the Paterson Rotary that give so much to their community. Paterson Rotary #70's long history of leadership and service to the city of Paterson is unparalleled.

Mr. Speaker, I ask that you join our colleagues, the members of the Rotary, the city of Paterson, and me in recognizing the outstanding and invaluable service of Paterson Rotary Club #70.

TRIBUTE TO MAJOR JAMES ''CHOCKS'' EWALD

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. KILPATRICK. Mr. Speaker, I rise today to recognize the bravery of one of Michigan's fine Air Guardsmen. Major James ''Chocks'' Ewald of the Michigan Air National Guard 110th Fighter Wing made courageous decisions when his aircraft was hit by a surface-to-air missile while flying over Baghdad, Iraq on April 8, 2003.

On April 8, 2003, Major James ''Chocks'' Ewald took off from Al Jaber Air Base Kuwait on his second mission of the day. He and his wingman learned that they would be among the first Close Air Support aircraft to fly over the city of Baghdad. His aircraft was shot at numerous times during the next 30 minutes, while he provided vital intelligence about Iraqi ambush positions. The flight was low on fuel and leaving Baghdad when it was suddenly struck by a surface-to-air missile. Major Ewald flew the wounded-bird for about 12 minutes, while preparing for an injury-free ejection. Before ejecting, he and his wingman managed to complete several battle damage checklists, identify critical aircraft system operations, make tentative plans for aircraft recovery, and gather important information about threats affecting future Close Air Support operations. A friendly U.S. Army forces rescued Major Ewald 15 minutes after his parachute landing. Following a physical examination, he returned to active duty.

Major James ''Chocks'' Ewald entered the active duty Air Force on January 15, 1989 and served in the active duty until July 1, 1998 when he joined the Michigan Air National Guard. During his active-duty career, he flew in support of contingency operations over Bosnia, Operation Deny Flight, in support of the United Nations Forces in the Republic of Korea, and over Iraq in support of Operation Southern Watch. In 1998, he separated from active-duty and joined the 110th Fighter Wing where he has served as Flight Instructor and Squadron Weapons Officer. Since his transfer to the 110th, Major Ewald has deployed with the unit to numerous stateside training exercises and recently returned from a four-month tour of duty in Kuwait in support of Operation Iraqi Freedom where he flew over 30 combat sorties.

With the heroic example of Major James ''Chocks'' Ewald, I would also like to laud all 1,500 members of Michigan Air and Army National Guard who are now serving their country in Operation Iraqi Freedom.

ANGEL ANTHONY LEON GUERRERO SANTOS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to former Guam Senator Angel Anthony Leon Guerrero Santos, III, a tireless champion of the rights of the Chamorro people. Sadly, Angel passed away on July 6, 2003 after suffering from a degenerative illness.

Angel was born on April 14, 1959 to Amanda Leon Guerrero Santos and Angel Cruz Santos II. He was father to Angel Ray Anthony Santos IV, Sheila Marie Santos Indalecio, Christopher Ray Pangelinan Santos, Vanessa Joy Gumataotao Santos, Francine Nicole Gumataotao Santos (dec.), Brandon Scott Gumataotao Santos, Taga Hurao Santos-Salas, Ke'puha Hirao Santos-Salas, and Sosanbra Elisha Santos-Salas.

Angel was a 13-year veteran of the U.S. Air Force. He served three terms as a Senator in the Guam Legislature. His belief in the inalienable right of the Chamorro people to self-determination and his dedication to preserving the language and culture led to the establishment of Nasion Chamoru of which he was a founding member and spokesman.

Angel was well-known for his outspoken stance on cultural, environmental and human-rights issues. But he will perhaps be most remembered for his efforts to return lands taken after World War II. It was this battle that led him to successfully pursue a seat in the 23rd, 24th and 26th Guam Legislatures where he authored Guam Public Law 23–141 which mandated the return of excess lands to the original landowners.

Angel fought passionately against issues that stirred much debate. Whether it was land rights or corruption allegations, he was outspoken. When he felt there was an injustice, he fought against it. He often led causes that were controversial. Sometimes those issues made him unpopular with some people. But he loved his home and his people. In every community, people always need someone to stand out in front to lead against those controversial issues, and Angel was that man. His courage in the face of opposition, the strength of conviction and determination to succeed made him a hero to the Chamorro people and earned him the respect of those around him.

As we mourn the untimely passing of Guam's native son, Angel Anthony Leon Guerrero Santos, III, let us remember his inspiring words:

> We cannot be passive or silent when human beings endure suffering or humiliation. We must step forward and take sides. We must assist immediately. At times, we may fail. At times, we may make mistakes. But we must never make the mistake of failing to try. People deserve nothing less.—Angel Santos, 1994

> Generations will come and generations will pass, but if no generation has the conscience, the courage and moral conviction to right the wrong doings of the past; then, the next generation will have to live with the same injustices of the future.—Angel Santos, 1999

On behalf of the people of Guam, I extend our deepest sympathies and prayers to his family and friends of Angel Anthony Leon Guerrero Santos, III. Adios Angel. Si Yu'us Ma'ase.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, July 10, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted ''yes'' on rollcall No. 348, ''yes'' on rollcall No. 349, ''yes'' on rollcall No. 350, ''yes'' on rollcall No. 351, ''no'' on rollcall No. 352, and ''no'' on rollcall No. 353.

TRIBUTE TO THE DETROIT REGIONAL CHAMBER OF COMMERCE

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. KILPATRICK. Mr. Speaker, I rise today to laud the Detroit Regional Chamber's leading role in fostering Michigan's prosperity over the past century.

The Detroit Regional Chamber was founded in 1903 with 253 charter members. It is now the largest Chamber of Commerce in the United States with more than 19,000 active members. For a century, the Detroit Regional Chamber has made many important contributions throughout Southeast Michigan. From its significant participation in the ''Campaign for Good Roads'' in 1910 and 1911 to its influential work toward setting up the SMART bus system, the Detroit Regional Chamber has demonstrated itself as a dependable community leader in Southeast Michigan.

With a new century come new challenges for our region. Looking at its endeavors in the past 100 years, the Detroit Regional Chamber will continue to remain the important leader that Southeastern Michigan has come to depend upon. I stand ready and look forward to cooperating with the Detroit Regional Chamber and other community leaders to meet these new challenges.

I salute the Detroit Regional Chamber on its 100th anniversary and I thank the officers and staff of the Chamber for their hard work. They have worked tirelessly to make Detroit attractive to the business community. I appreciate all that they do. With their continued hard work, I am confident they will achieve greater accomplishments for the Detroit Chamber of Commerce and the City of Detroit in the 21st century.

FREDERICK W. ROSEN

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. DEAL of Georgia. Mr. Speaker, I rise today to pay tribute to a great American, Frederick (Fred) W. Rosen. Mr. Rosen was a Naval Officer, a businessman, a hometown hero, and above all, a patriot. He was a friend to a President and national leaders and a witness to history. For his contributions to Dalton, Georgia and indeed the history of this great nation, I pay honor to him posthumously; Mr. Rosen died peacefully on July 14, 2003.

Fred Rosen was born in 1917 in Brooklyn, New York, the son of Eastern European Jewish immigrants. In the 1930s, as the Depression consumed the nation, Mr. Rosen's brother Ira moved to Dalton, Georgia seeking opportunity in the textile industry by opening the La Rose Bedspread Company. Mr. Rosen was a loyal Bulldog, attending the University of Georgia and playing football there. His brother Ira ran the business with Mr. Rosen, while brother Eli became a physician who practiced in Dalton. Mr. Rosen's sister, Helene, who survives him, today resides near Hartford, Connecticut.

In 1941, Fred Rosen answered Lt. Commander John D. Bulkeley's call for the ''toughest, hard-boiled men who can take all the punishment in the world'' and joined the Navy. Arriving in Charleston, S.C., Mr. Rosen met a young man from Boston named John F. Kennedy. The two trained alongside one another to serve on the Navy's newest vessel—the PT Boat, a vessel designed for stealth in the darkness. Rosen achieved the rank of Lt. Commander, becoming the skipper of his own ship, PT 207 of the squadron MTB Ron 15. During WWII, the squadron engaged in 73 actions and 55 OSS missions with 30 enemy vessels destroyed.

From 1941–1944, Mr. Rosen served in the Mediterranean and received ribbons for more than half a dozen missions and a Purple Heart, awarded in 1943, for a burned hand which resulted from the only time his boat was shelled by the Germans. Later in the war, PT 207 under Mr. Rosen's command sank a German naval ship. From 1944 until the end of the war, he served aboard an aircraft carrier in the Pacific theater.

In August of 1943, Herbert L Matthews of The New York Times, climbed aboard Mr. Rosen's PT Boat, bringing Americans their first glimpse of the Navy's newest naval creation. Matthews' account of traveling aboard the small ship through unfortunate weather brought Americans closer to the plight of their fighting forces abroad. Matthews wrote: ''I have never seen men more tired than the officers who barely managed to stand up in the gray light of dawn, still streaked with lightening from a heavy rainstorm that we had run into during the night.''

Mr. Rosen was a witness to history, as he remained friendly after leaving military service with Kennedy and also future Undersecretary of the Navy Paul B. Fay. When Kennedy married Jacqueline Bouvier, he was the only PT boat commander in attendance. Mr. Rosen was on the board of PT Boat Men for Kennedy, which campaigned for the candidate during his presidential campaign in 1960. In 1961, Mr. Rosen was invited to witness his dear friend being sworn in as President of the United States. In March of 1962, Mr. Rosen and his fellow PT Boat Men presented Kennedy with a Steuben Glass replica of the famed Boat, which sat on his desk in the Oval Office as long as he was President. Just after Kennedy's assassination, Mr. Rosen said to a local paper: ″I hope we pull through this crisis and don't lose our sense of morality.″

Fred Rosen was a model citizen in Dalton, Georgia. After the war, he and his brother Ira opened Enduro Mills, one of the many factories that made Dalton the Carpet Capital of America. He was married to Anita James Rosen. Although the couple never had children, Mr. Rosen was a family man, maintaining long distance relationships with his cousins, his siblings and their children and grandchildren.

Fred Rosen will be sorely missed by the people of Dalton, Georgia and the Rosen family scattered throughout the nation. His Navy service helped bring freedom to Europe and the United States, his local successes in Dalton brought jobs to our community, and his personal charisma brought a whole family together. Mr. Speaker, it is my honor to recognize Mr. Frederick W. Rosen.

HONORING THE SOUTHWEST H.S. CHAMPIONSHIP COLOR GUARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the accomplishments of the Southwest High School Championship Color Guard.

Under the direction of Daniel J.U. Garcia, a Vietnam Marine Corps Veteran, and Mike Singh, a Korean War Navy Veteran and Chief Deputy in California's Imperial County Sheriffs Office, the Color Guard has made history by earning five Championship Titles!

After being named the Imperial County High School Color Guard Parade Champions and the California Pageantry Productions Association Parade Champions, the team entered the Sharp Judging Association of California and the State Exhibition Color Guard Championship at Knotts Berry Farm, California and was named State Champions on March 22nd. They went on to become National Champions at the Sharp Judged Association Championship Competition on May 17th in San Dimas, California and were subsequently named International Champions at the Southwestern Regional International Championships on May 31st in Las Vegas.

From the beginning, the Color Guard made a pact to present our National Colors and our five Military Service Flags with pride, dignity, and honor. The Color Guard members provide their own funding through fundraising activities for individual uniforms and for food, lodging and transportation to the sanctioned parades and competitions. They also set a goal to represent their families, friends, teachers, and school with honor during competitions. The team members set high standards for themselves and adhere to a rigid, written contract that was signed by parents, team members and coaches. The focus became ''team effort, team spirit, and team accomplishment.''

During their quest for the five Championship titles, the Color Guard entered and participated in numerous parades, winning first place trophies in all parade entry competitions throughout California. In addition, they have performed at countywide elementary and high schools on special holidays and at college and university ceremonies, including many graduation exercises. They have appeared at the Korean War Veterans Association, the American Legion Post Ceremonies, and the Veterans of Foreign Wars and at ground breaking and ribbon cutting ceremonies throughout Imperial County.

The members of the Color Guard include: Sindy De La Torre, Lieutenant, First Rifle; Maria Cabrera, Sergeant, Second Rifle; Cristobal Oviedo, Sergeant, Third Rifle; Maria Padilla, Sergeant, Fourth Rifle; Jessica Oviedo, Sergeant, American National Flag, First Flag; Marcia Luna, Sergeant, California Flag, Second Flag; Ivette Beltran, Sergeant, U.S. Army Flag, Third Flag; Eva Cabrera, Sergeant, U.S. Navy Flag, Fourth Flag; Brenda Hinojosa, Lieutenant, Marine Corp Flag, Fifth Flag; Adriana Villarreal, Sergeant, U.S. Air Force, Sixth Flag.

I offer my congratulations to the Southwest High School Championship Color Guard on their fine achievements and their service to our community. They represent the best of our young men and women, and we can be proud of each individual, as well as of their team accomplishments.

INTRODUCTION OF THE COMPACT IMPACT REIMBURSEMENT ACT

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASE. Mr. Speaker, I join my colleague from Guam, Congresswoman MADELEINE BORDALLO, as an original cosponsor of the Compact-Impact Reimbursement Act, which she is introducing today. This legislation assists Hawaii and other U.S. jurisdictions with costs associated with migration resulting from the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands. The measure is a followup to hearings held by the House Resources and International Relations Committees on renegotiated expiring provisions of the Compact agreement.

At the outset, let me say that I fully support our country's continued recognition of the strategic importance of the Freely Associated States to our national security interests in the Western Pacific Region, and the special relationships our countries have shared based on the U.N. trusteeship system as well as mutual respect and friendship.

It should come as no surprise that my State of Hawaii continues to have great interest in U.S. policy toward these areas given our geographic proximity and close ties in the Pacific, and thus continues its historic support of the Compacts of Free Association. Having said that, however, we continue also our historic concerns with the U.S. Government's administration and coordination of Federal assistance and policy toward Micronesia, and especially the issue of Compact Impact Aid to Hawaii and other affected U.S. jurisdictions.

The Administration has proposed, as part of the renegotiated Compact agreements, $15 million in Compact Impact Aid to be collectively shared by affected U.S. jurisdictions, including Hawaii.

This level of assistance is completely inadequate, given the actual costs that all of our jurisdictions have incurred since 1986. Moreover, the Administration has provided no clear justification on where it even came up with the $15 million figure. In fact, in recent years, the Department of Interior has reported that supportable ''best estimates'' in 1997 for fiscal impact costs in our jurisdictions are over $30 million annually.

While Hawaii has spent more than $100 million on State benefits to FAS citizens since 1986, it has received less than $10 million in Compact Impact Aid from the Federal Government. In 2002 alone, the State of Hawaii estimates that it has spent over $32 million in assistance for FAS citizens, most on educational costs.

I have repeatedly said that since our costs are primarily in the field of education and health care, then other Federal agencies, particularly the Departments of Education and Health and Human Services, should be part of an overall Federal and Compact Impact assistance strategy and program. The easiest route, of course, would be to simply increase the Compact proposal of $15 million to at least $35 million in mandatory spending.

Other ways to ameliorate Compact Impact costs include making FAS citizens eligible for key Federal social programs that will offset the costs borne by our jurisdictions and providing our jurisdictions with the clear authority to receive other Federal assistance and make referrals to DOD medical facilities. Today's legislation gives the Administration these other alternatives to providing assistance to our areas.

A section-by-section summary of our proposal is as follows:

THE COMPACT-IMPACT REIMBURSEMENT ACT

Objective—To amend the Compact of Free Association Act of 1985 (Public Law 99–239) to provide for more adequate Compact-Impact aid to Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa.

Section 1. Short Title. The Compact-Impact Reimbursement Act.

Section 2. Appropriations and Medicaid Eligibility. Increases Compact-Impact aid to $35 million per year to mitigate impact on Guam, the State of Hawaii, the CNMI, and American Samoa. Funding would be based on a pro rata formula reflecting a census, to be conducted no less than every five years, of citizens of the Freely Associated States (FAS) living in Guam, the State of Hawaii, the CNMI, and American Samoa; would provide FAS citizens who migrate to Guam, Hawaii, the CNMI or American Samoa eligibility for Medicaid. The Federal Medical Assistance Percentage (FMAP) for providing health services would be 100 percent.

Section 3. Food Stamps Eligibility. Would provide FAS citizens who migrate to Guam, the State of Hawaii, the CNMI or American Samoa eligibility for the food stamp program under the Food Stamp Act of 1977.

Section 4. Extension of Communicable Disease Control Programs to Affected U.S. Jurisdictions. The Compact of Free Association Act of 1985 would be amended to reauthorize appropriations for grants to the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam, the State of Hawaii, the CNMI, and American Samoa. Current law simply authorizes this assistance for the Federated States of Micronesia.

Section 5. Extends Referral Authority to Affected U.S. Jurisdictions. Reauthorizes the availability of medical facilities of the Department of Defense (DoD) for FAS citizens upon referral by government authorities responsible for the provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam, the State of Hawaii,

the CNMI, and American Samoa. Current law only allows use of DoD facilities for FAS citizens currently referred by the governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

Section 6. Authorizes Reconciliation of Medical Referral Debts. Directs the United States Government to make available to the governments of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau funds needed to pay obligations incurred for the use of medical facilities in the United States, including in Guam, the State of Hawaii, the CNMI, and American Samoa, prior to October 1, 2003. Under current law, such authorization applies to debt accrued before September 1, 1985.

In closing, Mr. Speaker, I want to reiterate my support and, I believe, the support of my State for the Compacts, but also the great importance of adequate Compact Impact Aid to Hawaii, whether by appropriate general funding or legislation such as this or both.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF DON MOSER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Don Moser for his 32 years of service as chairman of the Murfreesboro, Tennessee, Water and Sewer Board. He was appointed to the board on July 20, 1971, and retired on July 3, 2003.

As a member of the Water and Sewer Board, Don was responsible for general supervision and control of operation, maintenance, and improvement and extension of the city's Water and Sewer Department. He has been a key leader in developing the plans for building and enlarging facilities for both drinking water and wastewater treatment in my hometown of Murfreesboro. Also, his experience as a banking professional allowed him to provide sound fiscal expertise to the Water and Sewer Board.

Don's role as chairman over the years has been instrumental in facilitating growth within the department. With the completion of Interstate 24 in the early 1970s, the department extended water and sewer service to the Murfreesboro interchanges and brought new industries and jobs to the city. During his tenure on the board, many new standards and upgrades were established to improve efficiency and service. In 1971, more than 27,000 people lived in Murfreesboro, and the Water and Sewer Department served more than 7,000 customers. Today, the department serves more than 27,000 customers, and the city has a population of more than 75,000. And the assets of the utility plant at the department have grown from $14 million dollars in 1971 to well over $196 million in 2002.

Don has served his community in a variety of roles, including being a member of the city's Pension Committee since December 3, 1971. He has served the city under four mayors: Hollis Westbrooks, Joe Jackson, Richard Reeves and the current mayor of Murfreesboro, Tommy Bragg.

Don has earned the respect of the entire community during his tireless service to the public, as has his wife, Jean, who has been a steadfast partner in all this. Don's leadership and work ethic will be sorely missed on the Murfreesboro Water and Sewer Board. I cordially congratulate Don on his distinguished career as a public servant and wish him well in future endeavors.

PROJECT BIOSHIELD ACT OF 2003

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. COX. Mr. Speaker, I hereby submit for inclusion in the RECORD the cost estimate from the Congressional Budget Office for H.R. 2122, the Project BioShield Act of 2003, reflecting that implementing H.R. 2122 would increase discretionary spending by $0.3 billion in 2004. The Public Printer estimates that the cost of including the CBO estimate in the RECORD is $975. Because this estimate dated July 9, 2003, was not received by the Committee in time for inclusion in the Committee Report on the legislation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2003.

Hon. CHRISTOPHER COX,
Chairman, Select Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2122, the Project BioShield Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Jeanne De Sa, who can be reached at 226–9010, and Sam Papenfuss, who can be reached at 226–2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 9, 2003

(H.R. 2122: Project BioShield Act of 2003—As ordered reported by the Select Committee on Homeland Security on June 26, 2003)

SUMMARY

H.R. 2122 would amend the Public Health Service Act (PHSA) to authorize appropriations of up to $5.6 billion for fiscal years 2004 through 2013 for procurement of certain security countermeasures (drugs, devices, and biological products to treat, identify, and prevent the public health consequences of terrorism). Of that amount, $890 million could be obligated in fiscal year 2004 and up to $3.4 billion could be obligated during fiscal years 2004 through 2008. Funding to buy these security countermeasures would be provided to the Department of Homeland Security (DHS), but the Department of Health and Human Services (HHS) would be responsible for procuring and stockpiling the countermeasures.

In addition, H.R. 2122 would authorize the appropriation of $5 million in 2004 and such sums as may be necessary for 2005 and 2006 for DHS to hire analysts to assess biological, chemical, nuclear, and radiological threats. The bill also would authorize appropriations of such sums as may be necessary for fiscal years 2003 through 2006 for DHS to acquire and deploy secure facilities to receive classified information and products.

Assuming appropriation of the authorized amounts and including administrative costs, CBO estimates that implementing H.R. 2122 would increase discretionary spending by $0.3 billion in 2004, $3.2 billion for fiscal years 2004 through 2008, and $5.7 billion over the 2004–2013 period. In addition, H.R. 2122 would relax certain requirements for federal agencies related to the development and approval of countermeasures. The bill would provide HHS with increased authority and flexibility to award contracts and grants for research and development of qualified countermeasures, hire technical experts, and procure items necessary for research. Those provisions might result in higher discretionary spending, but CBO does not have sufficient information to estimate their budgetary effect.

The bill also would authorize the Food and Drug Administration (FDA) to approve the use of certain security countermeasures during emergencies designated by the Secretary of HHS. CBO estimates this provision would have no budgetary effect.

H.R. 2122 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2122 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
CHANGES IN DISCRETIONARY SPENDING											
Project BioShield:											
Estimated Authorization Level	.....	890	2,528	.....	.....	2,175	.....	.....	.....	.....	.....
Estimated Outlays	.....	270	680	870	770	510	440	560	650	490	250
Personnel:											
Estimated Authorization Level	.....	5	5	5	.....	.....	.....	.....	.....	.....	.....
Estimated Outlays	.....	5	5	5	.....	.....	.....	.....	.....	.....	.....
Infrastructure:											
Estimated Authorization Level	20	20	20	20	.....	.....	.....	.....	.....	.....	.....
Estimated Outlays	.....	10	16	18	18	12	4	2	.....	.....	.....
Administrative Costs:											
Estimated Authorization Level	.....	9	9	9	9	10	10	10	10	11	11
Estimated Outlays	.....	7	8	9	9	10	10	10	10	11	11
Total:											
Estimated Authorization Level	20	924	2,562	34	9	10	2,185	10	10	11	11
Estimated Outlays	.....	292	709	902	797	532	454	572	660	501	261

BASIS OF ESTIMATE

CBO assumes that this bill will be enacted before the end of fiscal year 2003.

Procurement of Security Countermeasures: Project BioShield

Under current law, MS administers the Strategic National Stockpile (SNS), which contains drugs, diagnostic devices, vaccines, and other biological products to combat the public health consequences of a terrorist attack or other public health emergencies. DHS currently provides the financing for those efforts, which include the procurement of a new smallpox vaccine and stockpiling of that vaccine and older versions of the vaccine. Authorization for those programs was established in the Public Health Security and Bioterrorism Preparedness Response Act of 2002 (Public Law 107–88). That act authorized appropriations of $640 million in 2002 and such sums as may be necessary for fiscal years 2003 through 2006 for the SNS and $509 million in 2002 and such sums as may be necessary for fiscal years 2003 through 2006 for the development of the smallpox vaccine. About $400 million was appropriated in 2003 for those activities.

H.R. 2122 would modify the existing authorizations for the SNS and for the development of the smallpox vaccine by codifying the provision in the PHSA instead of in Public Law 107–88. CBO estimates that this modification would have no budgetary effect.

H.R. 2122 also would authorize DHS to augment the SNS with certain additional products. That effort, called Project BioShield, would allow the federal government to enter into contracts to procure security countermeasures, which are defined in the bill as drugs, devices, biological products, vaccines, vaccine adjuvants, antivirals, or diagnostic tests used to treat, identify, or prevent harm from biological, chemical, nuclear, or radiological agents that the Secretary determines are a material threat. Such drugs, devices, or biological products would have to be licensed or approved by the FDA, or otherwise determined by the Secretary of HHS to have the potential to be licensed or approved by the FDA. The federal government also could acquire products used to treat the adverse effects of drugs or biologic products used as security countermeasures.

The rate at which the funding authorized by the bill would be appropriated and spent would depend upon many factors, including the nature of advances in biotechnology, the degree of industry interest and capacity, the threat environment, and government priorities. Assuming appropriation of the authorized amounts, current and future Administrations would have the discretion to enter into multiple contracts for the manufacture of security countermeasures or to cease contracting altogether for a period of years.

To estimate spending under H.R. 2122, CBO consulted with Administration officials about activities they are planning or would consider if Project BioShield were enacted. Officials described plans to acquire and maintain stockpiles of seven security countermeasures to combat five biological agents. The Administration estimates that the cost of procuring, storing, and replacing those countermeasures would be about $5.6 billion over the 2004–2013 period if there were no constraints on funding.

Those currently planned acquisitions do not include any countermeasures for chemical, radiological, or nuclear agents, and they address only a subset of the threats for which research and development activities on countermeasures is being conducted or funded by HHS, the Department of Defense (DOD), and the private sector. Based on information provided by government officials and in consultation with outside experts, CBO has concluded that it is likely that drugs, devices, or biological products addressing some of those other threats will be developed in the coming decade and that some of those countermeasures would be stockpiled under Project BioShield if funds were appropriated for that purpose. CBO's estimate does not assume that any specific product would be developed and procured at any specific time. It does, however, account for a range of possibilities that would be available to the government if the authorized funds are appropriated.

Authorities and Requirements Under H.R. 2122. H.R. 2122 would authorize appropriations of up to $5.6 billion for fiscal years 2004 through 2013 for the federal government to enter into contracts to procure security countermeasures. Of that amount, $890 million could be obligated in fiscal year 2004 and up to $3.4 billion could be obligated during fiscal years 2004 through 2008.

Decisions regarding what types of security countermeasures to procure would be made by the President after reviewing recommendations of the Secretaries of DHS and HHS. Subject to Presidential approval and a determination that inclusion of certain countermeasures in the stockpile is appropriate, the Secretaries of DHS and HHS would seek potential vendors to produce the countermeasures and enter into contracts to buy the countermeasures from those vendors. In making that determination, the Secretary would determine and consider several factors, including the quantity of the product necessary for the stockpile, the feasibility of obtaining sufficient quantities of the product within five years, and whether there is a significant commercial market for the product other than as a security countermeasure. Those factors would not be requirements for procurement, but considerations in determining the appropriateness for inclusion of the countermeasure in the stockpile.

The Secretary of HHS would be responsible for arranging the procurement, including negotiating the quantity, price, and production schedule in five-year contracts or cooperative agreements, though eight-year contracts would be permitted for first awards. Payment would be conditioned on the delivery of a substantial portion of promised units. However, the Secretary could provide an advance payment of not to exceed 10 percent of the contract if the Secretary determines such payment is necessary to the project's success. The Secretary could pay vendors for storage, shipping, and handling and would be permitted to use noncompetitive procedures if the product is available only from a limited number of sources. Additional countermeasures for the same threat also could be procured, if they were to provide improved safety or effectiveness or otherwise enhance public health preparedness.

The authorized funds could not be used for the purchase of vaccines under contracts entered into prior to enactment, or for administrative costs. Based on information from Administration officials, CBO expects that funding would not be available specifically for research and development, although the price for the completed products would probably cover some development costs.

In addition, H.R. 2122 would allow HHS to produce the vaccines and other countermeasures if HHS and DHS determined that the government could produce the countermeasure more cheaply or more quickly than through the normal procurement process. This authority would not allow the government to spend more money than is authorized and appropriated for this purpose.

The Administration's Plans to Implement Project BioShield. Based on existing science and a current assessment of potential threats to public health, the Administration has identified several agents for which countermeasures are needed to protect the public health and could be included in Project BioShield. Those agents are smallpox, anthrax, botulinum toxin, plague, and Ebola. The Administration estimates that spending for countermeasures under Project BioShield, including purchase, storage, and replacement costs, would total about $5.6 billion over the 2004–2013 period, assuming the successful development of those countermeasures and no constraints on funding. More than half of those costs would be for the improved smallpox and anthrax vaccines. A brief description follows of the security countermeasures the Administration plans to acquire and stockpile.

Smallpox. Under Project BioShield, the Administration plans to procure a next-generation version of the smallpox vaccine called modified vaccinia Ankara (MVA). This new vaccine is an attenuated version of the existing vaccine and may be used to safely vaccinate about 30 million individuals with compromised immune systems, eczema, or certain other high-risk conditions. Under the authority provided for Project BioShield, HHS plans to purchase 60 million doses of the new vaccine at about $15 per dose over a three-year period for a cost of about $900 million. The Administration expects to be able to enter into contracts and begin acquiring the vaccine in 2004. Additional costs for inventory management and replacement of expired stocks over the 2007–2013 period would likely add another $1 billion, according to Administration estimates, but could be lower if long-term refrigerated storage proves to be effective.

Anthrax. The Administration also expects to purchase about 60 million doses of a next-generation anthrax vaccine, called a recombinant protective antigen (rPA) vaccine, under Project BioShield. The rPA vaccine would require fewer doses per person than the current vaccine, and potentially could be effective for people who have already been exposed to anthrax, giving the government the ability to vaccinate about 20 million people. The Administration anticipates beginning the procurement process in the next few years and spending about $700 million on the vaccine over a three-year period. Because the rPA anthrax vaccine has an expected shelf life of five to six years, additional costs would be incurred for inventory management and replacement. The Administration estimates that costs for the rPA vaccine could total $1.4 billion over the 2004–2013 period.

Botulinum Toxin. Under current law, HHS has stockpiled some antitoxins to treat botulism, a paralytic and often fatal illness caused by a nerve toxin produced by the botulinum bacteria. However, those antitoxins are no longer manufactured, and the manufacturing process, which requires horse serum, is complicated and time intensive. After identifying a manufacturer, the Administration plans to spend about $800 million acquiring newly produced antitoxin at a cost of about $2,000 per dose as part of Project BioShield. Acquisition would be spread over a three-year period, beginning in the next few years. This antitoxin would require specialized storage and refrigeration.

In addition, the Administration has indicated that it would like to purchase both a vaccine that would protect against botulism and monoclonal antibodies to neutralize the effects of the toxin. (Monoclonal antibodies are engineered proteins that can neutralize and destroy certain pathogens and toxins.) The Administration anticipates buying vaccine and monoclonal antibodies by 2007 or 2008, at a cost of about $140 million for 750,000 doses of the vaccine and $750 million for monoclonal antibodies. The Administration estimates that spending for botulinum countermeasures, including the cost of storage

and inventory management, would total $1.8 billion over the 2004–2013 period.

Plague. Plague is an infectious disease caused by a bacterium. Plague has several forms—pneumonic, bubonic, and septicemic—and can be treated by existing antibiotics. A vaccine for the plague is currently in the research and development phase, with the expectation that a product potentially could reach the advanced development phase next year. Beginning in 2005, the Administration expects to procure about 2 million doses (enough to treat people in areas surrounding any outbreak) at an estimated cost of about $40 per dose—for a total cost of about $80 million. With additional costs related to the acquisition of the vaccine, the Administration estimates spending on plague countermeasures would total about $220 million over the 2004–2013 period.

Ebola. There is no current treatment for Bbola, one of several viral hemorrhagic fevers, but the National Institutes of Health (NIH) is conducting research on a vaccine that the Administration would be interested in purchasing when it reaches an advanced development stage. Under current plans, the Administration intends to purchase enough vaccine for 3 million individuals to prevent the spread of an outbreak. Because this vaccine is still in the research and development phase, when the vaccine would become available and the potential cost per dose are unclear. The Administration assumes the vaccine will become available in 2005, and estimates the price to be about $30 per dose, for a total acquisition cost of $90 million. Combined with other costs related to the Ebola vaccine, including storage and replacement, the Administration anticipates spending would total about $260 million over the 2004–2013 period for this aspect of Project BioShield.

CBO's Estimate of the Potential Cost of Project BioShield. CBO has estimated both the cost of implementing the Administration's plan and the potential cost of acquiring other products not encompassed by that plan.

CBO's Estimate of the Administration's Plan. Without any funding constraints, CBO expects that the Administration's plans for MVA smallpox vaccine, the anthrax rPA vaccine, and the botulism antitoxins would likely take shape as described, albeit more slowly than the Administration estimates. CBO estimates that spending for vaccines and monoclonal antibodies for botulism and vaccines for plague and Ebola would likely be lower than the Administration estimates, even without funding constraints. CBO's lower estimate reflects the possibility that development of those vaccines and monoclonal antibodies might not succeed as quickly as the Administration's estimate assumes. It also reflects the possibility that Project BioShield would spend less on some of the botulism countermeasures if all three countermeasures (vaccine, antitoxins, and monoclonal antibodies) became available.

CBO estimates that about $5.2 billion would be required to procure products identified by the Administration over the 2004–2013 period.

Estimated Spending for Products Not Listed in the Administration's Plan. Under the bill, other countermeasures not in the Administration's plan could be purchased with appropriations provided through Project BioShield. Consequently, the specific security countermeasures that would be acquired under H.R. 2122 are likely to evolve over time as the result of many factors, including scientific advances, the interest and cooperation of biotech and other manufacturing companies, the emergence of new threats, and changes in this and future Administrations' assessments of which potential countermeasures should be a priority. Barriers to technological advance such as restricted laboratory space or shortage of primates for testing could slow development of countermeasures for certain agents. At the same time, rapid advances in products currently in the early-stage research and development could present the government with unforseen countermeasure options. Acquisition of countermeasures also would be affected by whether this and future Administrations decide to procure products that require more than five years to be licensed or have a significant commercial market.

Acquisitions under the bill might include additional countermeasures for agents addressed by the Administration's plan. For instance, potential emerging treatments include the use of monoclonal antibodies. This technology has had initial application in the treatment of cancer, and possibly could be applied to anthrax, the plague, or viral hemorrhagic fevers in the coming years. Other potential countermeasures include new antiviral drugs to treat smallpox and viral hemorrhagic fevers (both biodefense research priorities for NIH) and a narrow-spectrum antibiotic for anthrax.

In addition, CBO's research indicates there are numerous other biological agents for which countermeasures ultimately could be purchased under Project BioShield. HHS has established three classes of biological agents that pose significant risks to national security and the public health. Category A agents pose the greatest risk due to their ease of transmission, mortality rates, and overall risk to the public. All of the agents included in the Administration's plan are considered Category A agents, but that initial plan does not address such Category A agents as tularemia, a bacterial infection affecting the respiratory system, and viral hemorrhagic fevers other than Ebola. Vaccines for both of those agents are biodefense research priorities of NIH. Further, the government might seek countermeasures for some Category B and C agents, including toxins such as ricin, certain bacteria such as brucellosis, and several forms of viral encephalitis.

Also, under the authority provided by the bill, the government could procure countermeasures against chemical agents (nerve, blister, blood, and pulmonary agents) and radiological and nuclear agents. The Administration currently does not plan to use the bill's authority to purchase agents that could mitigate threats from these sources, but it could do so if the perceived threat from these agents changed or if certain treatments became scientifically feasible. Countermeasures that could be acquired under Project BioShield include existing treatments for many nerve gases (including VX, Sarin, and Soman gas), Prussian Blue (a treatment for certain types of radiation poisoning), and hydroxycobalamin (a treatment for cyanide poisoning that is in an advanced stage of development).

Finally, under H.R. 2122, Project BioShield would be able to purchase devices to detect and diagnose pathogens and other agents. Costs for such devices also are not included in the Administration's estimate.

To estimate potential spending for additional countermeasures not mentioned in the Administration's plan, CBO identified several category A, B, and C biological agents and chemical and radiological agents for which countermeasures exist or are under development. The set of selected agents and countermeasures is not intended as a prediction of which countermeasures would be acquired by Project BioShield. Rather, it is intended to be representative of the countermeasures that would be eligible for acquisition if current research and development activities succeed in producing qualified countermeasures during the coming decade.

For each of the representative biological agents, CBO determined whether the countermeasure is likely to be a vaccine, an antitoxin or antiviral, or a monoclonal antibody, the dosage and method of delivery (intravenously or in pill form), and the amount necessary to treat the population that could potentially be affected. The estimate assumes that vaccines would cost $30 to $40 per dose, on average, with Project BioShield acquiring 500,000 to 2 million doses of qualified vaccines, depending on whether the agent is infectious. CBO estimates that monoclonal antibodies would cost $5,000 per treatment, and that Project BioShield would acquire enough to treat several hundred thousand people if qualified products became available. The estimate assumes that, if other types of qualified antivirals or antitoxins became available, Project BioShield would acquire enough to treat 500,000 people, at costs ranging from $2,000 to $5,000 per person for certain intravenously-administered forms. Other countermeasures could be less expensive on a per-person basis. For example, certain antivirals or narrow-spectrum antibiotics in pill form could cost about $100 per treatment, CBO estimates. Additionally, CBO estimates that per-person costs would average $50 for Prussian Blue, $100 for intravenous treatments for hydrogen cyanide, and $300 per treatment for countermeasures for certain radiological and nuclear agents. If Project BioShield acquired those types of countermeasures, CBO assumes that the quantity procured would be sufficient to respond to simultaneous events in several large cities.

Under optimistic assumptions about when countermeasures for the representative agents would become available, the cost of acquiring, storing, and replacing all qualified countermeasures for those agents could total $10 billion to $20 billion during the 2004–2013 period. However, CBO assumes that research and development efforts for some countermeasures will proceed slowly or be unsuccessful, and that the Administration would not acquire all products that could be designated as security countermeasures.

Assuming appropriation of the authorized amount, CBO estimates that discretionary spending to acquire and store BioShield products would total $0.3 billion in 2004 and $5.5 billion over the 2004–2013 period. Acquisition costs would comprise 70 percent to 80 percent of that amount, while inventory management and replacement costs would make up the balance.

H.R. 2122 also would authorize appropriations of $5 million in 2004 and such sums as may be necessary in 2005 and 2006 for DHS to hire analysts to assess threats from biological, chemical, nuclear, and radiological agents. CBO estimates that about $5 million annually would be necessary to implement this provision in 2005 and 2006. We estimate that this provision would increase discretionary spending by $5 million in 2004 and $15 million over the 2004–2006 period, assuming appropriation of the estimated amounts.

The bill would authorize appropriation of such sums as may be necessary over the 2003–2006 period for DHS to acquire and deploy secure facilities for the processing of classified information. Those costs would depend upon what types of facilities DHS would choose to acquire. Based on the construction of similar installations at DOD facilities, CBO estimates that DHS could require up to $20 million a year for that purpose. CBO estimates that implementing this provision would increase discretionary spending by $80 million over the 2004-2010 period.

CBO also estimates that implementing Project BioShield would add to the administrative costs of HHS and DHS, both for the

contracting process and managing the stockpile. Funding for those costs would come from appropriated funds. Based on current spending for program support services for bioterrorism-related activities (including the SNS) at the Centers for Disease Control and Prevention, CBO estimates that administrative costs would be about $10 million a year. Subject to the appropriation of necessary amounts, CBO estimates that discretionary spending for such costs would increase by $7 million in 2004 and $0.1 billion over the 2004-2013 period.

Research and Development Into Qualified Countermeasures

H.R. 2122 would authorize the Secretary of HHS to expedite procurement and peer review for research related to qualified countermeasures. The bill also would allow the Secretary to secure the services of experts or consultants with relevant expertise. Implementation of these measures could increase the resources required by the agency, accelerate spending, or both. CBO does not have sufficient information to estimate the additional resources that might be required by the agency or the rate at which spending might accelerate under the bill. Such spending would come from appropriated funds.

Authorization for Medical Products for Use in Emergencies

The FDA's regulatory process allows for expedited approval of security countermeasures under current law. Pursuant to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the FDA may allow certain drugs, devices, and biologics defined as priority countermeasures to move more quickly through the agency's regulatory process. To further expedite the development of security countermeasures, the FDA has implemented a rule that allows approval of certain drugs based on tests in animals.

H.R. 2122 would allow the Secretary of HHS to authorize the FDA to approve the use of certain drugs or devices for use during periods designated as emergencies by the Secretary of HHS, DHS, or Defense. The authorization would remain in effect for no more than one year, unless the Secretary determines otherwise based on the nature of the emergency. When the Secretary authorizes the emergency use of a product that is an unapproved use of an approved product, the bill would provide some flexibility to manufacturers in carrying, out activities under the emergency use authorization.

Based on information from Administration officials, CBO expects that implementing this provision in H.R. 2122 would not increase costs to the FAA. Over the past year, the FDA has hired about 100 people to review drug applications and provide assistance to companies engaged in research and development into security countermeasures. Thus, the agency already has the infrastructure to handle the additional authority related to the proposed emergency-use authorization and would not require additional resources. Therefore, CBO estimates that this provision of H.R. 2122 would have no budgetary effect.

PREVIOUS CBO ESTIMATES

S. 15, the Project BioShield Act of 2003, as reported by the Senate Committee on Health, Education, Labor, and Pensions on March 25, 2003, would amend the PHSA to create permanent, indefinite funding authority for the procurement of certain biomedical countermeasures. In its cost estimate dated May 7, 2003, CBO estimated that enacting S. 15 would increase direct spending by $270 million in 2004 and $8.1 billion over the 2004–2013 period.

Although both H.R. 2122 and S. 15 would authorize programs to procure countermeasures to protect the public health against terrorism, H.R. 2122 would not affect direct spending; instead, the bill would authorize appropriations of up to $5.6 billion over the 2004–2013 period. Estimated spending under H.R. 2122 is less than under S. 15 because the House bill would authorize a set amount of appropriations, whereas the Senate bill would provide unlimited direct spending authority.

In several areas, H.R. 2122 would allow the Secretary more flexibility regarding what products could be procured and how contracts would be structured. H.R. 2122 would allow the procurement of countermeasures even if they have a significant commercial application, while S. 15 would restrict the procurement authority to those without such applications. While S. 15 would require the Secretary to determine that a countermeasure is likely to be approved by the FDA within five years as a condition of procurement, H.R. 2122 would require only that the Secretary consider whether a five-year limit is feasible. H.R. 2122 would provide additional flexibility in contracting by permitting the Secretary to extend first-time contracts to eight years (versus five in S. 15) and would allow the Secretary discretion to provide a 10 percent advance to companies developing new products. Those provisions would accelerate spending relative to S. 15.

On June 6, 2003, CBO transmitted a cost estimate for H.R. 2122 as ordered reported by the House Committee on Energy and Commerce on May 15, 2003. On the same date, CBO transmitted a cost estimate for H.R. 2122 as ordered reported by the House Committee on Government Reform on May 22, 2003. Those versions of H.R. 2122 are nearly identical to the version of H.R. 2122 approved by the Select Committee on Homeland Security. However, H.R. 2122 as approved by the Select Committee on Homeland Security contains two additional authorizations—an estimated $15 million over the 2004–2006 period for hiring analysts and such sums as may be necessary over the 2003–2006 period for the construction of secure installations.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2122 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeanne De Sa (226–9010) and Sam Papenfuss (226–2840); Impact on State, Local, and Tribal Governments: Leo Lex (225–3220); and Impact on the Private Sector: Samuel Kina (226–2666).

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

INTRODUCTION OF THE COMPACT IMPACT REIMBURSEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. BORDALLO. Mr. Speaker, today, along with my colleagues, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA, I am introducing a bill to amend the Compact of Free Association Act of 1985 to provide for adequate Compact-impact aid and to continue authority for valuable U.S. assistance for citizens of the Freely Associated States. Compact-impact aid is assistance that has been provided by the Federal Government from time to time over the past seventeen years to Guam, the Commonwealth of the Northern Mariana Islands, and more recently, the State of Hawaii, to mitigate the impact and adverse financial consequences arising from immigration permitted under the Compacts of Free Association with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These three island states are all former Trust Territories of the United Nations that were administered by the United States from 1946 to 1986.

In 1985, Congress passed legislation affording these islands the opportunity to become sovereign states in free association with the United States. In enacting the Compact of Free Association Act (Public Law 99–239), Congress authorized unrestricted migration from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the United States, including its territories. Since the implementation of the Compacts in 1986, many citizens of the Freely Associated States (FAS) have availed themselves of the immigration provisions and traveled to Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii for work and residence. These FAS citizens have entered our classrooms, utilized our hospitals, and availed themselves of other social services, to a significant degree. The General Accounting Office has documented the impact of this migration (GAO–02–40). One of the major concerns for Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii remains the reimbursement of costs incurred by our jurisdictions due to the Compacts.

As Congress prepares to reauthorize the Compacts, we must ensure that the issue of Compact-impact is adequately and comprehensively addressed. Our bill proposes that more accountable and reliable means be utilized on the part of the Federal Government to help Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, recoup the costs of providing critical education, medical and other social services for citizens of the Freely Associated States who migrate to our islands. Our bill proposes to utilize Medicaid to reimburse the costs of medical services furnished to FAS citizens. Clearly, Medicaid is a preferred option as it is an existing means-tested program with its own accountability controls and eligibility standards. Our bill would also grant FAS citizens eligibility for food stamps. Additionally, our bill proposes to extend authority for grants to the governments of the Republic of the Marshall Islands, Republic of Palau, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the State of Hawaii, to control and prevent the spread of communicable diseases. Current law simply authorizes this assistance for the Federated States of Micronesia. The bill also proposes to extend referral authority for medical facilities of the Department of Defense to the Republic of Palau, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the State of Hawaii. Current law restricts referral authority to the Federated States of Micronesia and the Republic of the Marshall Islands. Lastly, our bill would make available to the governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau funds needed to pay obligations incurred for the use of medical facilities in the United States prior to

October 1, 2003. Under current law, such authorization applies to debt accrued before September 1, 1985.

The governments of Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii, have provided health, educational, and other social services to the citizens of these Freely Associated States in good faith with the expectation that such incurred costs would be reimbursed by the United States Government. We have before us an opportunity to address this most important issue within the context of the reauthorization of the Compacts of Free Association. It is my sincere desire to work with my colleagues to ensure that the provisions proposed by this bill are seriously considered in the reauthorization process.

REMOVAL OF NAME AS A COSPONSOR OF H.R. 20

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 20. While the bill's stated purpose is to authorize appropriations for state water revolving funds (which I fully support), I regret that it has been transformed into an attempt to expand the Davis-Bacon Act.

I believe that adding Davis-Bacon to this important debate is entirely inappropriate. The fact that the two debates have become inextricably linked is irresponsible and unfair to Americans who rely on Congress to act to ensure their water is clean and safe.

In my state of California, the reauthorization of this program would translate into over $1 billion in additional funds to address the state's clean water needs. As such, I remain steadfast in my commitment to the passage of a water infrastructure bill this year.

INTRODUCING THE GREAT LAKES RESTORATION FINANCING ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. EMANUEL. Mr. Speaker, today along with Congressman REYNOLDS and a bipartisan coalition of members from the Great Lakes states, I am proud to introduce the Great Lakes Restoration Financing Act of 2003.

Holding one-fifth of the world's fresh surface water supply and nine-tenths of the U.S. supply, the Great Lakes and their connecting channels form the largest freshwater system on Earth. Thirty years after passage of the U.S. Clean Water Act, Great Lakes water quality has improved, but the Lakes remain unhealthy for wildlife and people and there is clear and convincing evidence that the ecosystem is deteriorating.

For example, bacteria from sewage overflows led to a record 897 beach closings in 2002 on Lake Michigan alone. Additionally, twenty percent of the Great Lakes shoreline contains polluted sediments. Further, state and local authorities have issued more than 1,500 fish consumption advisories in the Great Lakes.

Clearly in crisis, the Great Lakes are the source of drinking water for 28 million people. The Everglades, the source of freshwater for much of the state of Florida, faced a similar threat in the mid-1990's. Congress responded with the creation of a massive restoration effort. Building on that successful national model, the Great Lakes Restoration Fund would establish a funding source for Lakes restoration and revitalization based upon President Bush's Great Lakes plan.

Following the President's ''Great Lakes Strategy 2002'' as its guide, the Great Lakes Restoration Fund would provide states with significant funds for Lakes restoration. Specifically, the Fund would ensure the economic and ecologic sustainability of the Lakes, clean up toxic hot spots, combat invasive species, control pollution from urban and agricultural runoff, restore and conserve wetlands and critical coastal habitat, and increase public education of Great Lakes issues.

The United States is blessed with tremendous natural resources. The Great Lakes undoubtedly rank among the most treasured of these resources, but if this body allows them to deteriorate further—if we can no longer drink the water, and no longer swim at our beaches—we will have failed American families.

Mr. Speaker, we refuse to let this happen. This bill will begin to heal the damage done over the years. I strongly encourage my colleagues to support us in this important endeavor by cosponsoring the Great Lakes Restoration Financing Act of 2003.

TRIBUTE TO NOEL HARLAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a dedicated educator from my district. Noel Harlan of Alamosa, Colorado is a role model for his students both in and out of the classroom. Noel, a teacher and bus driver in the Alamosa School District, is this year's recipient of the Driver of the Year Award given by the Colorado State Pupil Transportation Association. I join with my colleagues in offering him our congratulations.

Noel began working for the Alamosa school district in 1965 and soon found that working for a small school provided him the opportunity to expand his duties. While primarily a science teacher, he often taught other subjects, such as English Literature and Archaeology. Noel enjoyed working with children, so when a position as the school's bus driver became available he seized the opportunity. The new job provided Noel with extra income, as well as increased interaction with his students. Noel excelled behind the wheel, driving over 750,000 miles without an accident. With enthusiasm and diligence, Noel helped the morning commute become an enjoyable, safe ride.

Mr. Speaker, Noel Harlan's commitment to the students of Alamosa is certainly deserving of praise before this body of Congress and this nation. I am proud knowing that Noel has had an impact on so many of today's youth and I wish him many more years of safe driving and teaching. Thank you, Noel, for the service that you have provided to our community.

RECOGNIZING DR. KRISHNA REDDY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great community leader and President of the Indian American Friendship Council, Dr. Krishna Reddy, for his commitment to the advancement of the U.S-India relationship and the Indian-American community.

Dr. Reddy has a remarkable record of advocating on behalf of the Indian-American community. As Founder and President of the Indian American Friendship Council, Dr. Reddy has demonstrated his tremendous dedication to improving U.S-India relations. His expertise and service has undoubtedly led to increased dialogue and solidarity between these two democracies.

Dr. Reddy's commitment to engaging the Indian-American community in the political process and ensuring that Indian-Americans have a voice in our government is also commendable. His organized efforts have helped educate Congress about issues important to India and the Indian-American community and fostered relationships between Members of Congress and Indian-Americans nationwide.

It is a great honor to pay tribute to Dr. Krishna Reddy and the Indian American Friendship Council.

TRIBUTE TO GENE RIZZI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. McCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gene Rizzi and thank him for his many contributions to Pueblo, Colorado. Gene has spent over 33 years helping grow and improve Lake Pueblo and its facilities as a member of the Colorado Division of Parks and Outdoor Recreation. As he plans his retirement, I am honored to recognize Gene and his many contributions before this body of Congress today.

Gene began his service at Lake Pueblo in 1977 when the lake first opened. As Assistant Park Manager, he has helped improve the facilities at the lake, including the creation of a new swimming beach and a variety of campgrounds. His hard work has helped make Lake Pueblo a fun, safe place to enjoy the outdoors. His co-workers note that Gene will do whatever it takes to make the park work most effectively. While at Lake Pueblo, Gene has done everything from rescuing boats to fighting fires. His hard work and dedication has made Gene one of the many exemplary employees of the Colorado Division of Parks and Outdoor Recreation, one whose impact will forever show in the operation of Lake Pueblo.

Mr. Speaker, Gene Rizzi has spent his life giving back to others by wholeheartedly embracing public service. I am happy knowing that after his 33 years of service in recreation, Gene will finally be able to relax and enjoy retirement himself. Thank you, Gene, for your hard work and dedication to Pueblo. I wish you all the best in your future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 15, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine proposed legislation to make permanent the moratorium on taxes on Internet access.

SR–253

Commerce, Science, and Transportation

Oceans, Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Marine Mammal Protection Act.

SR–428A

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the semi-annual monetary policy report of the Federal Reserve System.

SD–538

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by joint hearings with the House Committee on Resources to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SD–106

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the recent General Accounting Office report entitled: ''An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals'', focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs.

SD–342

11 a.m.

Appropriations

Energy and Water Development Subcommittee

Business meeting to markup proposed legislation making appropriations for energy and water development programs for the fiscal year ending September 30, 2004.

SD–138

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine competition in the marketplace in relation to hospital group purchasing.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–216

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Environment and Public Works

To hold hearings to examine the importation of exotic species and the impact on public health and safety.

SD–406

Foreign Relations

To hold hearings to examine benefits for U.S. victims of international terrorism.

SD–419

Governmental Affairs

To resume hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children.

SD–342

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulatory oversight of government sponsored enterprise accounting practices.

SD–538

Energy and Natural Resources

To resume hearings to examine the improved understanding of the governance of the Department of Energy laboratories.

SD–366

Finance

To hold hearings to examine nursing home quality.

SD–215

JULY 18

9:30 a.m.

Judiciary

To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, Henry F. Floyd, to be United States District Judge for the District of South Carolina, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, R. David Proctor, to be United States District Judge for the Northern District of Alabama, and Rene Acosta, of Virginia, to be an Assistant Attorney General, Department of Justice.

SD–226

JULY 21

2 p.m.

Governmental Affairs

Financial Management, the Budget, and International Security Subcommittee

To hold hearings to examine the risks and benefits to consumers related to government sponsored enterprises.

SD–342

JULY 22

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.

Room to be announced

Health, Education, Labor, and Pensions

To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.

SD–430

Judiciary

To hold hearings to examine bankcruptcy and competition issues in relation to the WorldCom Case.

SD–226

JULY 23

10 a.m.

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

Judiciary

To hold oversight hearings to examine certain pending matters.

SD–226

Judiciary

To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.

SD–226

JULY 24

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.

SD–366

JULY 30

10 a.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SR–485

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH–216

CANCELLATIONS

JULY 16

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission.

SD–366

POSTPONEMENTS

10 a.m.

Judiciary

To hold oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Comission.

SD–226

Health, Education, Labor, and Pensions

Business meeting to markup the proposed Patient Safety and Quality Improvement Act of 2003.

SD–430

Daily Digest

HIGHLIGHTS

The House passed H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004.

The House passed S. 709, to award a congressional gold medal to Prime Minister Tony Blair—clearing the measure for the President.

Senate

Chamber Action

Routine Proceedings, pages S9311–S9356

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 1397–1402, and S. J. Res. 16. **Page S9328**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004". (S. Rept. No. 108–101) **Page S9328**

Measures Passed:

Protect Act Amendment: Senate passed S. 1280, to amend the PROTECT Act to clarify certain volunteer liability, after agreeing to the committee amendment. **Page S9355**

National Great Black Americans Commemoration Act: Senate passed S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center. **Pages S9355–56**

Defense Appropriations: Senate began consideration of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S9312–16**

Adopted:

Stevens Amendment No. 1217, in the nature of a substitute. **Pages S9314–15**

Stevens (for Inhofe) Amendment No. 1224, to make available from amounts available for Research, Development, Test, and Evaluation, Air Force, $4,000,000 for cost effective composite materials for manned and unmanned flight structures. **Pages S9315–16**

Stevens (for Dodd) Amendment No. 1225, to increase the amount of Army RDT&E funds available for the Broad Area Unmanned Responsive Resupply Operations (BURRO) aircraft program (PE0603003A). **Pages S9315–16**

Stevens (for Snowe/Collins) Amendment No. 1226, to set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine. **Pages S9315–16**

Stevens (for Breaux) Amendment No. 1227, to make available from amounts available for Research, Development, Test, and Evaluation, Navy, $4,000,000 for Navy Integrated Manufacturing Development. **Pages S9315–16**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Tuesday, July 15, 2003. **Page S9356**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 89 yeas (Vote No. EX. 275), Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois. **Pages S9318, S9356**

Robert C. Brack, of New Mexico, to be United States District Judge for the District of New Mexico. **Pages S9318–19, S9356**

Nominations Received: Senate received the following nominations:

Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern District of Florida.

Paul Michael Warner, of Utah, to be United States Attorney for the District of Utah for the term of four years. (Reappointment)

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years. **Page S9356**

Nomination Recommitted: Senate recommitted the following nomination to the Committee on the Judiciary:

Christopher A. Wray, of Georgia, to be an Assistant Attorney General, Department of Justice.

Page S9356

Additional Cosponsors: Pages S9328–30

Statements on Introduced Bills/Resolutions: Pages S9330–38

Additional Statements: Pages S9326–28

Amendments Submitted: Pages S9338–54

Notices of Hearings/Meetings: Page S9354

Authority for Committees to Meet: Page S9354

Privilege of the Floor: Page S9354

Record Votes: One record vote was taken today. (Total—275) Page S9318

Adjournment: Senate met at 2 p.m., and adjourned at 6:27 p.m., until 9:30 a.m., on Tuesday, July 15, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9356.)

Committee Meetings

(Committees not listed did not meet)

CHILE & SINGAPORE FREE TRADE AGREEMENTS

Committee on the Judiciary: Committee concluded hearings to examine proposed legislation to implement the proposed free trade agreements with Chile and Singapore, after receiving testimony from Regina K. Vargo, Assistant United States Trade Representative for the Americas, and Lead Negotiator for the Chile Free Trade Agreement; and Ralph F. Ives III, Assistant United States Trade Representative for Southeast Asia, the Pacific and APEC, and Leader Negotiator for the Singapore Free Trade Agreement.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 2714–2724, and 1 private bill, H. Con. Res. 242, were introduced. Page H6706

Additional Cosponsors: Pages H6706–07

Reports Filed: Reports were filed as follows:

Filed on July 11, H.R. 1950, to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, amended (H. Rept. 108–105, Pt. 4);

Filed on July 11, H.R. 2330, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, amended (H. Rept. 108–159, Pt. 2);

H.R. 1375, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, amended (H. Rept. 108–152 Pt. 2);

H.R. 2086, to reauthorize the Office of National Drug Control Policy, amended (H. Rept. 108–167 Pt. 2);

H.R. 116, to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, amended (H. Rept. 108–200);

H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument, amended (H. Rept. 108–201);

H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, amended (H. Rept. 108–202);

H.R. 1209, to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia (H. Rept. 108–203);

H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (H. Rept. 108–204);

H.R. 2441, to establish the Millennium Challenge Account to provide increased support for developing countries that have fostered democracy and the rule of law, invested in their citizens, and promoted economic freedom; to assess the impact and effectiveness of United States economic assistance; to authorize the expansion of the Peace Corps, amended (H. Rept. 108–205); and

H. Res. 316, providing for consideration of H.R. 1950, to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005 (H. Rept. 108–206). **Pages H6705–06**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Cole to act as Speaker Pro Tempore for today. **Page H6607**

Agriculture Appropriations: The House passed H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004 by yea-and-nay vote of 347 yeas to 64 nays, Roll No. 358. **Pages H6609–58, H6676–80**

Agreed To:

Ballance amendment that increases funding for the Office of the Assistant Secretary for Civil Rights, Office of Civil Rights, Hispanic Serving Institutions, and Outreach for Socially Disadvantaged Farmers with offsets of $8.6 million from the Common Computing Environment account; **Pages H6634–35**

Blumenauer amendment that increases funding for the Inspector General to enforce animal fighting statutes with offsets of $800,000 from the Agriculture Buildings and Facilities and Rental Payments account (agreed to by recorded vote of 222 ayes to 179 noes, Roll No. 355); **Pages H6635–38, H6677–78**

Davis of Alabama amendment that increases funding for Historically Black Colleges and Universities with offsets of $3.5 million from the Common Computing Environment account; **Pages H6638–40**

Bonilla amendment that strikes provision that prohibits funding for certain conservation technical assistance programs; **Pages H6650–51**

Kaptur amendment that prohibits the use of any funding to violate Public Law 105–264, relating to the use of Federal credit cards by Federal Employees; **Page H6656**

Kaptur amendment that prohibits the use of any funding to issue a final rule on Cost-Sharing for animal and plant health emergency programs; **Page H6656**

Kaptur amendment that prohibits the use of any funding to identify by photograph on a department's or agency's website any Member of the House of Representatives or the Senate within 60 days before a Federal general election; **Page H6656**

Kaptur amendment that increases the funding for the biofuels program with offsets of $20 million from the Common Computing Environment account. **Page H6656**

Rejected:

Rehberg amendment that sought to strike section 743 that prohibits funding to implement country of origin labeling for meat or meat products (rejected by recorded vote of 193 ayes to 208 noes, Roll No. 354); **Pages H6640–48, H6676–77**

Hefley amendment that sought to decrease all discretionary funding by one percent (rejected by recorded vote of 68 ayes to 333 noes, Roll No. 356); and **Pages H6648–49, H6678**

Ackerman amendment that sought to prohibit funding to approve for human consumption any cattle, sheep, swine, goats, horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection (rejected by recorded vote of 199 ayes to 202 noes, Roll No. 357); **Pages H6651–55, H6678–79**

Withdrawn:

Holt amendment was offered but subsequently withdrawn that sought to provide funding for education program on the use of biotechnology in producing food for human consumption. **Pages H6649–50**

The bill was considered by unanimous consent. **Page H6609**

Medicare Prescription Drug and Modernization Act: The House disagreed with the Senate amendments to H.R. 1, 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 and 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 agreed to a conference. Appointed as conferees: Chairman Tauzin, Chairman Thomas and Representatives Bilirakis, Johnson of Connecticut, DeLay, Dingell, Rangel, and Berry. **Page H6658**

By yea-and-nay vote of 191 yeas to 221 nays, Roll No. 359, rejected the Davis of Tennessee motion to instruct conferees: (1) to reject the provisions of subtitle C of title II of the House bill and (2) to recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment. **Pages H6658–66, H6680–81**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congratulating Chambers of Commerce: 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 economies; **Pages H6666–68**

100th Anniversary of the Founding of the Harley-Davidson Motor Company: 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.

Pages H6668–70

Suspension Proceedings Postponed—Burmese Freedom and Democracy Act: The House completed debate on H.R. 2330, amended, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people. Further proceedings were postponed until Tuesday, July 15.

Pages H6670–76

Motion to Instruct Conferees—Tax Relief, Simplification, and Equity Act: Representative DeLauro announced her intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act to include in the conference report (1) the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster. And, House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

Page H6682

Presentation of the Congressional Gold Medal to Prime Minister Tony Blair of the United Kingdom: The House passed S. 709, to award a congressional gold medal to Prime Minister Tony Blair—clearing the measure for the President. **Page H6681**

Recess: The House recessed at 5:44 p.m. and reconvened at 6:30 p.m. **Page H6676**

Senate Messages: Message received from the Senate today appears on page H6607.

Referral: S. 886 was referred to the Committee on Resources. **Page H6704**

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H6676–77, H6677–78, H6678, H6678–79, H6679–80, and H6680–81. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:47 p.m.

Committee Meetings

INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Testimony was heard from Representatives Taylor of North Carolina, Obey, and Dicks on H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. Further action was deferred.

FOREIGN RELATIONS AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1950, Foreign Relations Authorization Act, FY 2004–2005, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. 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 International Relations now printed in the bill modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also 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 amendment in the nature of a substitute recommended by the Committee on International Relations modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution and en bloc amendments as described in section 2 of the resolution. The rule provides that amendments shall be considered only in the order specified in the report (except as specified in section 3 of the resolution), may be offered only by a Member designated in the report, 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 except as specified in the report, shall be considered as read, and shall not be subject to a demand for 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 and against en bloc amendments as described in section 2 of the resolution. The rule authorizes the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled between the chairman and ranking minority member of the Committee on International Relations or their designees, and shall not be subject to amendment or demand for a division of the question. The rule provides that the original proponent and of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than one hour after the Chairman of the Committee on International Relations or a designee announces from the floor a request to that effect. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hyde and Representatives Smith of New Jersey, Rohrabacher, Hostettler, Crane, Lantos, Sherman, Schiff, Bordallo, and Pallone.

COMMITTEE MEETINGS FOR TUESDAY, JULY 15, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting to mark up proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, 3 p.m., SD–124.

Committee on Energy and Natural Resources: to hold hearings to examine the Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine U.S. tax policy and its effect on the international competitiveness of U.S.-owned foreign operations, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine successes and challenges for U.S. policy relative to Haiti, 10 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services, to hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration, 10 a.m., SD–430.

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine visa issuance, information sharing and enforcement in a post 9–11 environment, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the current status of VA hospitals, focusing on funding for VA medical care, enactment of Medicare reimbursement for non-service connected care, and the Capital Asset Realignment for Enhanced Services program (CARES), 2:30 p.m., SR–418.

House

Committee on Appropriations, to mark up the following appropriations for fiscal year 2004: Energy and Water Development; and District of Columbia, 10 a.m., 2359 Rayburn.

Subcommittee on Legislative, on Capitol Visitor Center, 1:30 p.m., 2362A Rayburn.

Subcommittee on VA, HUD and Independent Agencies, to mark up appropriations for fiscal year 2004, 4 p.m., H–140 Capitol.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on "Expanding Access to College in America: How the Higher Education Act Can Put College Within Reach," 10 a.m., 2175 Rayburn.

Subcommittee on Employer-Employee Relations and the Subcommittee on Select Revenue Measures of the Committee on Ways and Means, joint hearing on Examining Pension Security and Defined Benefit Plans: the Administration's Proposal to Replace the 30-year Treasury Rate, 2 p.m., 2175 Rayburn.

Committee on Financial Services, hearing on monetary policy and the state of the economy, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing on "Federal Information Systems Integration and Consolidation: Maximizing Technology Investment Across Agency Boundaries," 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to mark up H.R. 1997, Unborn Victims of Violence Act of 2003 or Laci and Conner's Law, 10 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following measures: H.R. 708, to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes; H.R. 884,

Western Shoshone Claims Distribution Act; H.R 1006, Captive Wildlife Safety Act; H.R. 1092, Nevada National Forest Land Disposal Act of 2003; H.R. 1409, Eastern Band of Cherokee Indians Land Exchange Act; H.R. 1472, Don't Feed the Bears Act of 2003; H.R. 2696, to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; and S. 111, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, 2 p.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1289, National Parks Institute Act; H.R. 532, Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act; and H.R. 408, to provide for expansion of Sleeping Bear Dunes National Lakeshore, 1 p.m., 1334 Longworth.

Committee on Rules, to consider the following: H.R. 2210, School Readiness Act of 2003; and H.R. 2122, Project Bioshield Act of 2003, 2 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Environment, Technology and Standards, hearing on NOAA Satellites: Will Weather Forecasting Be Put at Risk? 2 p.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing on Contract Bundling and Small Business Procurement, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing and markup of H. Res. 288, directing the Secretary of Transportation 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, 3 p.m., 2128 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on H.R. 1585, to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, to consider pending business, 10:30 a.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Cybersecurity, Science, and Research and Development, hearing entitled ''Industry Speaks on Cybersecurity,'' 10 a.m., 2118 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Tuesday, July 15

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 am., Tuesday, July 15

House Chamber

Program for Tuesday: Consideration of H. Res. , dismissing the election contest relating to the office of the Representative from the 2nd Congressional District of Hawaii;

Consideration of H. Res. , dismissing the election contest relating to the office of the Representative from the 6th Congressional District of Tennessee.

Consideration of Suspensions:

1. H. Con. Res. 236, unveiling of the statue of Sakajawea provided by the State of North Dakota for display in Statuary Hall; and

2. H.R. 2195, Smithsonian Facilities Authorization Act;

Consideration of H.R. 1950, Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 (structured rule, one hour of general debate)

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