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## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

July 25, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Joshua said to all the people: "This is the Word of the Lord: I gave you land on which you had not labored, cities which you had never built; you have lived in these cities and you eat the produce of vineyards and olive groves which you did not plant. Therefore, hold the Lord in awe and worship Him with loyalty and truth."

Lord God, gratitude overwhelms Americans for all we have received since the very founding of this great Nation. Therefore we are filled with awe and worship You, O Lord.

Blessed to be Members of this House of Representatives by the election of the people and Divine Providence, this governing body is humbled by the responsibility it has for this land, its cities and its resources. So we choose to serve this Nation with loyalty to the oath we have taken; and we will always search the truth for what is best for this Nation. This is the pledge of the United States Congress; so, help us God. 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 Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER 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.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on each side.

### HONORING 50TH ANNIVERSARY OF KOREAN WAR ARMISTICE

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

Mr. WILSON of South Carolina. Mr. Speaker, on July 27 we will honor the 50th anniversary of the armistice that ended the fighting of the Korean War. On that day, I encourage all Americans to remember the courageous men and women who sacrificed to prevent the spread of Communism and restore the freedom of South Korea.

I am particularly proud to recognize an event to be held in Lexington, South Carolina, to honor those who served so bravely. Veterans speaking at the event will be E. Pickens Rish, a U.S. Army Ranger from Lexington who was awarded the Purple Heart, and Anthony Forker, a native Korean who served 30 years in the U.S. Army and is currently the President of the Korean

Association of Columbia, South Carolina.

As our military continues to fight in the War on Terrorism, we can find inspiration in remembering the Korean War victory over Communism, which reminds us that Americans have a long history of defeating enemies of freedom all over the world. In conclusion, God bless our troops.

### WHERE IS COMPASSIONATE CONSERVATIVE?

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

Mr. COOPER. Mr. Speaker, this was a very important week in the House of Representatives. Hopefully we learned a lesson of bipartisan cooperation last night with the historic victory on the drug reimportation bill; and hopefully we also learned the dangers of arrogance, anger, and insensitivity when a House chairman had to apologize to this House.

I hope that we apply these lessons to the child care tax credit today. We need to help the 12 million poor children waiting for that assistance. The Senate has voted 94-2 to help these children. The White House is for it. Only a small group in the House Republican leadership is opposing it. People of goodwill on both sides of the aisle want this relief to be granted today. Where is compassionate conservative? As one of the House Republican leaders said, "It ain't going to happen."

Mr. Speaker, this House needs to get relief to these 12 million poor children.

### EARNED INCOME TAX CREDIT HELPS WORKING POOR

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. HAYWORTH. Mr. Speaker, I listened with interest to the comments of the gentleman from Tennessee (Mr. COOPER) who served here in a previous majority that had its share of challenges in terms of a lack of modesty, and I think that is an ever-present danger for the majority.

At the same time, however, we cannot paralyze legitimate differences of public opinion, for that is the essence of the House of Representatives and debate within this body. Case in point: the upcoming motion to instruct. My friend, a Morehead Scholar at the University of North Carolina, Chapel Hill, is a student of history and he understands that for the working poor we instituted in the 1970s an earned income tax credit so the families he wants to help are already being helped to the tune of several thousand dollars. If not, I would urge every Member of this body to inform his or her constituents of the earned income tax credit. I look forward to the upcoming debate.

#### ASSAULT ON TRANSPORTATION ENHANCEMENTS PROGRAM

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

Mr. BLUMENAUER. Mr. Speaker, Members depart the Chamber today to go back to their districts, meeting with people to get in touch with what is on their minds. I hope that our colleagues will take the opportunity to discuss with their constituents an assault on the transportation enhancements program.

Mr. Speaker, this has been a program since 1991 that has funneled billions of dollars into opportunities for people to convert abandoned rail corridors to trails, to have programs to revitalize historic highways, and for bike and pedestrian paths. All of these have been critical elements of being able to improve the livability of our communities. Inexplicably, the Appropriations Subcommittee on Transportation stripped these elements out, and condemned them as ineffective. Hopefully the full committee is starting to right this wrong, but people at home need to be careful. If we are not diligent, we are going to lose an important part of the broad base of support for a balanced transportation system.

#### DEMOCRATIC SUCCESSION PLAN FOR AZERBAIJAN

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

Mr. KIRK. Mr. Speaker, the United States and our allies need a democratic succession plan for the Government of Azerbaijan. Our country's energy policy depends in large part on foreign energy supply, and much of it comes from the Caspian region in Azerbaijan. The former President there, President

Aliiev, a former KGB leader, is coming in and out of a coma on death's door and trying to have his son succeed him.

I think for the long-term future of the United States' interests and those of our allies, we need to back a true democracy in Azerbaijan with a wide range of candidates, but right now some of the most powerful and important candidates are not allowed to register. For example, the former Speaker of the House in Azerbaijan has had no opportunity to stand before the people of Azerbaijan for election.

Mr. Speaker, this administration, and the administration of our allies, needs to support a true democratic process so we can have a stable Caspian region which is so important to the world's energy supply and so important to the economy of the United States.

#### TRIBUTE TO EDDIE MURRAY

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

Mr. CARDIN. Mr. Speaker, I rise today to bring to this body's attention that this weekend in Cooperstown, Cooperstown, New York, one of the greatest baseball players of all time will be inducted into the Hall of Fame, and that is Eddie Murray who played for the Baltimore Orioles. He played for other teams, but he is known as a Baltimore Oriole.

Eddie Murray is one of only three players, the other two, Hank Aaron and Willie Mays, who hit over his lifetime 500 home runs in 3,000 hits. But what we all know about Eddie Murray, he is a model of consistency, a real team player, a person who really brought championship to Baltimore, and championship to the baseball diamond.

He also gave back to the community. Particularly, I want to bring to this body's attention the Carrie Murray Nature Center that he founded in Baltimore, in honor of his mother, in Lincoln Park. He is known not only as a great baseball player, but a great person. I congratulate him on being selected for the Hall of Fame.

#### ILLEGAL IMMIGRATION

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

Mr. FLAKE. Mr. Speaker, I rise today to conclude a series of commentaries I have been making on illegal immigration and to find a solution to the Nation's current immigration woes. We in Arizona feel this in particular.

Over the past 8 months, I have been working with the gentleman from Arizona (Mr. KOLBE) to put together a comprehensive foreign worker program, a temporary worker program, which recognizes the way people organize and order their own lives, that recognizes that we need a rational policy

to deal with the situation that we have along our Nation's borders.

We need to understand that we not only need to deal with those who want to come to our country to work on a temporary basis, but for those who are here illegally as well, and find a solution that will both encourage those who are here illegally to come out from under the woodwork, and to come into a legal framework and to provide an opportunity for those who wish to come and fill our Nation's labor needs to do so.

I am pleased that this will be introduced today, and I encourage my colleagues to look at it and join us in the debate and ultimately support it.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. SOLIS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. SOLIS moves 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 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.

5. The 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 the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentlewoman from California (Ms. SOLIS) and a majority Member each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. SOLIS).

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

Mr. Speaker, this motion would instruct our conferees to accept the Senate amendment to H.R. 1308. This

amendment restores the child tax credit to 6.5 million families. It restores a tax credit to military families with members serving in combat zones overseas. It requires that restoring the child tax credit does not become an excuse for further tax cuts for the rich.

We have had Democrats come to the floor every night this week to demand a child tax credit for all Americans. We have done so because while tax cut checks are going out today to some Americans, 6.5 million families will get nothing in their mailbox today. These families have 12 million children. They will get nothing because last-minute changes by Republicans prevent families with incomes between \$10,500 and \$26,625 from receiving the child tax credits.

We will not let these families be forgotten, and I will not forget the 140,000 families in my district in California that will get no child tax credit under the House Republican plan. These are working families, like the one pictured here, who told me how hard they are working just to provide for the basic needs of their children. This is a military family who saw fathers and mothers and sons and daughters go off to war. Across the country, there are over 250,000 children of active duty military families, such as this one depicted here, that will receive no child tax credit at all.

Republicans had the nerve to say these people should not get any tax relief because they pay no taxes. It is true that while soldiers are collecting combat pay and are putting their lives on the line, they do not pay taxes, but they pay their debt to our government, to our society, with hard and dangerous work, with months spent far apart from their families and loved ones, and sometimes even ending in tragedy.

It is true that families left behind by the Republicans do not pay Federal income taxes, but they do carry a far higher tax burden than the millionaires who would benefit the most from the tax cuts. This is because these low-income families, like this one depicted, pay sales tax, property tax and payroll tax. These taxes eat up a very high percentage of this family's income.

When we learned of the exclusion of the low-income families from the tax cuts, Democrats came forward and protested and the country listened to them. Our colleagues in the other body quickly and overwhelmingly acted to fix the glaring omission, but here in the House Republicans only responded with more tax cuts for the rich. Under the guise of restoring child tax credit, they passed an additional \$82 billion tax cut that benefits themselves more than the working poor like this family here, more than our soldiers, more than 6.5 million families who were left out of the original tax cut plan.

Mr. Speaker, under the House Republican plan, a Member of Congress, like you and I, with two children will receive \$1,750 while the same size family

earning \$20,000, like this family from my district, would only get \$475. I did not come up here to represent myself, I came here to represent the people of my district, like this family here. How can I go back to my district and tell families such as this that their children will get no tax relief because Republicans choose to protect the wealthiest Americans in our country? How can I go home and tell these military families who sacrificed for our country that they will get nothing because Republicans would not even sacrifice a few thousand dollars of the millionaires' \$93,000 tax cut?

It is for these families and their children that my colleagues and I rise to instruct our conferees to accept the Senate amendment. We ask the House simply to accept language that restores tax credits to 12 million children. That is fiscally responsible, and that does not neglect our military families. This is not a lot to ask for, and I hope this motion will pass as it did on June 12. Just yesterday our President, America's President, visited Michigan and Pennsylvania and he said, "The child credit must be given to low-income families as well." Take a good look at this picture, and remember these families.

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

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. LEWIS) is recognized for 30 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Kentucky, a member of the Committee on Ways and Means, for yielding me this time.

Mr. Speaker, here we go again. What is before the House is a classic example of not letting facts get in the way of impassioned debate. My friend from California rightly has a concern for the working poor, and I appreciate her mention of a specific family earning about \$20,000 a year. Now for the rest of the story where the silence has been deafening.

Under existing law, we have the earned income tax credit specifically designed for the working poor. For a single mom with two kids earning \$20,000 a year, a check is available from Uncle Sam for a total of \$3,335, according to the Tax Foundation. On top of that, in the All-American Tax Act, we even expanded the child tax credit, not inconsistent with what our President has said, so even more funds are available.

It is true we expanded that child tax credit because we believe if we accept the philosophy of my friends in opposition here, if it is immoral to leave out children at the lower end of the socioeconomic scale, likewise it is unfair to limit those two-earner families, like the nurse practitioner who earns \$63,000 a year and her spouse who is a school principal in the Awatukee section of Phoenix, both of these earning \$64,000 a

year, that should not invalidate their children either.

What this majority has done in the House is to expand the child tax credit while keeping intact the earned income tax credit. And, sadly, the silence from the minority on existing policy is deafening.

It will be interesting during the course of this debate to see if our friends will in fact acknowledge what they believed in public policy to be a triumph, but now is suddenly forgotten. I will not impugn their motives; but, Mr. Speaker, it is curious that for this entire week, my friends on the left have developed a severe case of political amnesia.

Reject the motion to instruct, embrace expansive, fair and equitable tax relief for all families, and we will work with the other body to ensure that comes to pass in conference.

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

Mr. Speaker, I remind my colleagues that this administration is now taking a very aggressive role to go after families that are seeking earned income tax credits. In fact, we should be spending more time going after the big guys like the Enrons, the WorldComs and all of the other corporations that do not have anybody tracking their abuses and fraud.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for bringing this matter before the House.

On June 9, the President made it very clear that he wants this tax credit for low-income working people, the tax credit for their children to be passed and put into law. He wants the Senate provision passed. That was 2 months ago. In those 2 months, the House and the Senate have done very little to advance this ball. Why? Because the extreme radical position of the Republicans in the House of Representatives has essentially kept a conference committee from taking place because they have decided that to take care of a \$3 billion oversight in the tax credit, they want to spend \$80 billion to get there.

That is unacceptable to the President of the United States, that is unacceptable to the Senate on a bipartisan basis, and it is certainly unacceptable to many of us in the House of Representatives. They made a conscious decision in the last hours in the middle of the night in the consideration of the last tax bill that these children of low-income working parents would simply not get this credit. They had to make a decision between the millionaires who would get \$44,000 a year in tax rebate; or if they gave the tax credit to low-income children's families, they would only get \$38,000 in a tax rebate.

The person making that decision was one of the big beneficiaries, Vice President CHENEY. The children had the tax credit when Vice President CHENEY

walked into the room; when he left the room, he had the tax credit and the poor children's families didn't have the tax credit. That is the history.

Yesterday as the gentlewoman from California (Ms. SOLIS) pointed out, the President was in Dearborn, Michigan, where he was hailing the first checks to go out to families seeking the tax credit, deserving of the tax credit; and once again, he asked Congress to pass legislation, to pass the Senate bill. He said he wants to extend it to all spectrums of society.

Now maybe the Republicans in the House of Representatives think that President Bush is a wild-eyed, radical liberal who wants to take care of some families who are undeserving. I do not think he is. I think what he recognizes is that this is a matter of equity. This is a matter of whether or not people who go to work every day, work their tails off, and at the end of the year end up poor, and that this Congress decided we were going to place an additional value on the cost of raising these children, and we were going to help America's families with a child tax credit.

But the Republicans in this Congress decided the poor children were not going to be worth as much. Just a cold-hearted calculation, stone-cold decision that these poor children just are not worth as much. That somehow, their parents are not as noble when they go to work every day as millionaires are when they go to work every day.

Mr. Speaker, that is the calculation that this President has asked this Congress, these Republicans to reject, and to pass the tax credit so that these children will get their share of equity in American society.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a sense of fairness, as the gentleman just spoke of a minute ago. In this Nation, it is really a great privilege to live here and to have all of the blessings of freedom that we have and all the opportunity that we have. But along with that blessing and the wonderful aspects of what we have in this great country comes a certain responsibility. One of those responsibilities that we have is to pay an income tax.

We have in our system a progressive income tax system where those who make a great amount or more money than someone else will pay a greater amount of taxes, and those that make less money pay less taxes, and those that reach a certain level in this country, they pay no income tax whatsoever. They may pay payroll taxes and other taxes. In order to offset those other taxes, there is the earned income tax credit that gives back to families that do not make enough to pay income taxes the money to offset the other taxes that they pay.

Now it seems to me that we have tried in this country to be as fair as we possibly can to all those in whatever

income level they may be. When I think about this situation, those that are paying taxes are providing for a lot of things that we all get an advantage for: defense, infrastructure, highways, education, health care, law enforcement, and I could go on and on. When we look at what people pay in taxes, what they actually pay in taxes according to their income, I think we have tried to be as fair as we possibly can. I think those that are receiving earned income tax credits to offset their other taxes is certainly something that I do not think our friends on the other side of the aisle remember or understand or want to even talk about.

H.R. 1308, the All-American Tax Relief Act does a lot of wonderful things. It increases the child credit to \$1,000 per eligible child through 2010, eliminates the marriage penalty in the child credit, celebrates the increase in refundable child credit, it provides tax relief and enhances tax fairness for members of the Armed Forces that my colleague mentioned a little while ago. It suspends the tax-exempt status of designated terrorist organizations, provides tax relief for astronauts who die in space missions.

Actually, the motion to recommit will do damage to a lot of families. The Democrat's motion to instruct allows the child credit to drop from \$1,000 to \$700 after the 2004 election. As a result, millions of low- and middle-income families will receive a smaller child tax credit right after the elections. The House-passed bill ensures that the child credit remains at the \$1,000 level throughout the decade. The Democrat's motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then, it only does so for 1 year.

Under the Democrat's motion, millions of children will be denied the child credit simply because their parents are married. The House-passed bill benefits middle-income families by eliminating the child credit immediately. The House-passed bill does not deny the child credit to military families. Military families include those who are deployed abroad who are already receiving a refundable child credit, and will continue to receive a refundable child credit under the House-passed bill.

The Democrat's motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

This motion to instruct, I think, is without merit. I ask my colleagues to vote "no" on the motion to instruct.

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

Ms. SOLIS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I find it incredible that the gentleman on the other side of the aisle would suggest that somehow

these are not responsible people, that they accept the privileges of living in this country, but they are not responsible because they do not pay income taxes, so they are not entitled to the tax credit.

These people would love to pay more taxes. They would love to be rich. They go to work every day hoping that someday they might get rich, might get a benefit. They would love to pay more taxes, but the gentleman says they are not responsible. I guess that extends to the soldier who is putting his life on the line to defend the privileges that the gentleman talked about, and because he gets tax-free income while he is in battle risking his life, his family should not get a tax credit?

I think that soldier is a fairly responsible individual, and I bet his family is fairly responsible. But he does not pay much in taxes because we do not pay him much to do his job. That is your idea of the trade-off in America between those who are entitled in America and those who get privileges? This tax cut is denigrating families who work hard every day, and their children, and the military.

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

Mr. GEORGE MILLER of California.  
\* \* \*

The SPEAKER pro tempore. The gentleman is out of order.

Mr. GEORGE MILLER of California.  
\* \* \*

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) and I thank the gentleman from California (Mr. GEORGE MILLER) for making it very clear about whether or not we in this country really value work and ordinary workers.

Today is the day, July 25, that millions of child tax credits are going to start to be delivered to families around the country. President Bush went to Philadelphia to highlight those checks, to claim credit for getting some extra money into the pockets of working families.

My two children, each of whom have two children, are probably going to get checks in the mail, and I am happy about it. They are modest-income earners, and they are going to get their tax credit.

But this family, the Narvaez family, Maria and two of her three children, she makes \$20,000 a year. She works in a day-care center, she works 40 hours a week. She is not going to get a check in the mail. There is no check in the mail for her family. I want to tell Members that this hardworking woman, I would think, is as deserving of getting a check in the mail.

Let us compare that to Vice President CHENEY who made the deal in the dark of night to say well, let us see, the tax breaks went too high. It exceeded our budget; who are we going to cut out? I have got it: Let us cut out families like the Narvaez family.

Vice President CHENEY will see a tax break of about \$116,000 for 1 year. I am not talking income, I am talking tax break. Mrs. Narvaez, Maria, would have to work 5.8 years to get as much as Vice President CHENEY is going to get in 1 year in a tax break.

Let us see, who is more deserving; how about all those people, millionaires who go to work; no, maybe it is millionaires whose work is to cut open those envelopes that have dividend checks in them. Those people, do they deserve it more than the Narvaez family? I do not think so. Let us pass this motion to instruct, and let us get a child tax credit to the Narvaez family.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the comments of the gentleman from California (Mr. GEORGE MILLER). I certainly did not say that the working poor are not responsible. They are very responsible. I have been in that position. I have been among the working poor. I know how hard it is to make ends meet.

But, I also was brought up in a family, my father a construction worker, a pipe fitter that was many times without a job, that a full day's work for a full day's pay; we accept things in our life that sometimes we do not like. We try to make ends meet many times when that is all we can do. Sometimes we cannot even make ends meet.

I think we have provided in this country an opportunity for people that are working hard to receive an earned income tax credit to help them through the tough times.

I am certainly someone who believes that we should help those that cannot help themselves that are in need. It is our responsibility to do that. I certainly appreciate our military for what they are doing. I appreciate all the efforts that are put forward in this country by all those who are willing to work and earn a full day's pay for a full day's work, and we should support them and their families every way we possibly can.

But we also have to remember the liability. As I said, we have a progressive income tax system in this country. The liability, those who talk about the rich and how much tax relief they are going to get, well, how much are they paying in taxes? How much are those on the lower scale, how much are they paying in taxes? It is always how much refund are they going to get. Well, you have to pay income taxes to get a refund. If you do not pay taxes, we do provide an earned income tax credit. So we are helping.

But this idea of class warfare, sure there are families out there working hard, they want to be rich.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank the gentleman, and I understand the point

that you are making, except the fact of the matter is that Enron paid no taxes the last 4 out of 5 years. There are companies who are paying zero in taxes, and yet they are the beneficiaries of a very, very hefty tax cut.

Mr. LEWIS of Kentucky. Mr. Speaker, reclaiming my time, Enron is being dealt with. No one appreciates what Enron did. It is a disaster for a lot of people, and they are being dealt with. It was really an embarrassment to our country that a corporation and the people that ran Enron acted the way they did, but that happens. That happens.

Anyway, getting back to the subject, we are doing everything we possibly can to provide tax relief across the board, provide people that are not paying taxes as much help as we possibly can, and we will continue to do that. But this motion to instruct does more harm to helping families with children and receiving tax credit than it will do good.

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

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

Mr. COOPER. Mr. Speaker, because of a very small group of Republican leaders, they are preventing this House from helping 12 million poor children around America. I would like to give my colleagues on the other side of the aisle, the rank-and-file Republicans, the benefit of the doubt. I do not believe that their heart is in this fight. I believe they are being compelled by their leaders to do the wrong thing. It is still not too late to do the right thing.

The checks are being mailed out today to the rich families in America, and Members know it was a mistake made also 2 months ago to prevent the other families in America from also getting help. That is not just my opinion. Our President, George Bush, called once again yesterday to help these children. President Bush is trying to be a compassionate conservative, but the other side of the aisle is not letting him do that. He has been calling for this 2 months now. Let us listen to our President. It is not just our President; the other body, by a vote of 94-2 has voted to do the right thing.

But too often we see in the House younger Members, Republicans, compelled in some cases to do the wrong thing. It happened last week when Member after Member came to this House to say that the chairman of the Committee on Ways and Means had done the right thing; when, thankfully, that same chairman came to the House floor this week to admit that he had done the wrong thing.

Do not support Republican leaders when they are asking you to do the wrong thing. Be the compassionate conservatives you claim to be. Help these 12 million poor children. It is not quite too late; but 2 months have passed, 2 months of waiting, 2 months

of hurt for these families. These people work hard every day. They pay their fair share of taxes. Let us give them their fair share of tax help. Do the right thing today and vote for this motion to instruct.

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

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, do we not value all of this country's children and families? This body has shortchanged our children too often this year, and it is adding up to a heavy burden on their families, all to make the wealthiest in this country richer.

Underfunding for Leave No Child Behind, block grants to States with unmet requirements for Head Start teachers, and although it is a demonstration program, this is meant to be the first nail in the coffin of Head Start. We barely lost the vote last night, but Democrats will continue to fight for this country's children, all of them, but certainly those from lower-income families.

Today I am here with my colleague, the gentlewoman from California (Ms. SOLIS) and other Democratic colleagues to call on this House to instruct the conferees first to act; and, second, to provide what the President promised, tax relief to the 6.5 million families and over 12 million children. These families work hard, but in this economy this President has created, they still need help, and especially for the military families of soldiers who today are fighting for this country and fighting for us.

□ 0945

Democrats meant it when we said we will leave no child behind. Today we call on the leadership of this conference, and specifically the conferees, to expand the child tax credit and put our money where our mouth is and where our heart and our values should be.

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

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

Mr. PALLONE. Mr. Speaker, I listened to the gentleman from Kentucky, and he expressed a lot of sympathy with the plight of the people, the working poor and the people that we are trying to get some checks to this morning. But I listened to the gentleman and I could not believe, because he was suggesting that he was powerless to do something to help the working poor and the children that have been left out and the parents who are not getting this check.

Mr. LEWIS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Mr. Speaker, I only have 2 minutes. I am trying to be nice, not critical.

But the bottom line is this should not be ideologically driven. The fact

that they are not paying income tax is not important. They are paying property taxes. They are paying sales taxes. In a State like mine in New Jersey, one could be paying a tremendous amount in property taxes and sales taxes and all kinds of other taxes, payroll taxes.

So I am just asking my colleagues, do not be ideologically driven. Do not say we cannot do this because they have not paid income taxes. My colleagues on the other side have the power. This is a political decision that is being made here.

The Republican leadership is making a political decision that they do not want to help these people. They want to go home. They do not want to go to conference. They want to go on break without helping these people.

Mr. Speaker, the other body is not saying that. They are supportive of what we are saying here. They want to send the checks and help these people. The President wants to help.

So keep in mind, this is an ideology. Forget the ideology. I ask my Republican colleagues to forget what they think about whether it is good or bad from an ideological perspective. The bottom line is that these people need help. The gentleman from Kentucky acknowledged that he himself was in that position, or his family was in that position. That is all we are saying as Democrats.

We know a lot of these people in the Armed Forces. Some of them are serving in Iraq. They need help. We go home. We will see them. They are constituents. They are having a hard time paying the rent and putting food on the table. They need help. The economy is not good. We are not doing well. They are having a hard time. Maybe if this was a better time, we might say do not do this; but it is not. The economic times are bad, and my colleagues cannot run away from this.

Mr. Speaker, it is the Republican leadership in the House that is preventing this from happening. I urge my colleagues on the other side to do it before they go home and before we have the recess and go on vacation.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out the child tax credit under current law is refundable to the extent of 10 percent of the taxpayer's earned income in excess of \$10,500; salary and wages of \$15,000, \$450 refundable tax credit; \$20,565, plus the earned income tax credit. It is \$3,823 for a salary of \$15,000; \$2,770 for a salary of \$20,000.

So it is not like we are not helping. We are. And the fact is that these individuals are not paying income taxes, and we are offsetting those other taxes the gentleman just spoke of through the earned income tax credit. So we are, under current law, helping these individuals right now.

Mr. Speaker, I might just say, I spoke to a young man and his wife not too long ago when we were debating

the child tax credit for those that pay no income taxes. And they work at a factory. They are factory workers. They both work many hours of overtime. They have one child. And they were asking me why they had to pay the taxes that they pay, very high taxes, and they are taxed more because of the overtime that they work. And they were excited about the child tax credit for their own child. But when we were debating the issue of the child tax credit for individuals that pay no income tax, they asked me why that would be the case, that they were paying a lot of taxes, working very hard, overtime pay to provide for their family, and they seemed to think that was just a little, the playing field just was not level for them when they were doing everything they could. And they were not making a lot of money at that. I think \$30,000 basically was their income.

But we are trying our best to do all we can. And I think the numbers here show that we are helping the working poor, those that are paying no income taxes. We are helping them through the earned income tax credit and through child tax credit, 10 percent of the taxpayers that earn incomes in excess of \$10,500.

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

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

Mr. Speaker, I do want to clarify something. There are over 337,000 children of teachers, classroom teachers that are left out of this child tax credit. They pay payroll tax, gasoline tax, rent, property taxes, and other types of taxes. I would think that their burden falls very heavily on their children, and yet they get nothing.

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

Ms. DELAURO. Mr. Speaker, today the Federal Government is sending out checks to 25 million families in this country. More than 2 months after this House passed the President's tax bill, among those receiving their checks in the coming days will not be 6½ million taxpaying families, taxpaying families, taxpaying families: property taxes, payroll taxes, sales taxes. They pay taxes. They make low wages, yes. So what is wrong with making low wages? Those who make low wages do pay taxes.

My mother was a factory worker. She worked in the old sweatshops. She did not make a lot of money, but she paid her taxes like others do. Why should families not be allowed to have a child tax credit? These families were denied what they were rightfully due, the extension of the child tax credit, because they make low wages and for the last 2 weeks on this floor Democrats have been offering a motion to instruct conferees. We have implored the leadership of this House: do what is right; act on what the other body's legislation is.

Mr. Speaker, my colleagues on the other side of the aisle have criticized

our motion. They argue that this would drop the child tax credit from \$1,000 to \$700 immediately after the 2004 election. There is a word for this type of argument: hypocritical. The child tax credit will already drop after the 2004 elections. That is no coincidence. It is a result of a deliberate decision made by the Republican majority to drop the credit once these families go to the polls with the impression that they are going to get the credit again in 2005.

Not so, my friends. Under the Republican-passed tax legislation, as the law stands today, the \$1,000 credit goes down, it goes up, it goes down. It is more a seesaw than tax law.

When it came time to choose between a child tax credit or the tax cuts for the wealthy, they chose the latter over and over and over again. To meet their \$350 billion goal, they cut out people who make \$10,500 a year to \$26,000 a year in favor of those who make over a million dollars a year who are going to get \$93,000 in a tax cut every single year.

The President said it yesterday, he said it in June: adopt what the Senate has done. Fix this issue. Let us give these families what they want.

Mr. Speaker, let us abide by that. Let us go with that. Let us make sure that what we do allows today those 25 million people who are going to get their child tax cut. Let us make sure that those families who make \$10,500 to \$26,000 they get their child tax credit. They deserve it. It is the right thing to do. It is the moral thing to do, and that is the obligation of this House.

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

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. SOLIS) for organizing this morning's discussion, because here we go. Is it not ironic that while the Nation is facing one of the biggest budget deficits in history, at least \$450 billion, and I quote from the gentleman from Kentucky (Mr. LEWIS), "Enron happens." Yes, it does. And we need to be doing something about it.

Republicans can find the money to provide tax cuts for the very richest Americans and not enough for the children of America's working families. Ha. The gentleman from Kentucky said Republicans are trying their hardest. Well, I am telling my colleague, Republicans have to try harder.

This supposed party of compassionate conservatism has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Rather than bringing up the other body's child tax credit which would have cost \$3.5 billion, they passed a bill that costs \$80 billion to benefit the wealthiest in this Nation.

Earlier this week, I joined my Democratic colleagues in writing a letter to President Bush requesting that he lead the Republicans in Congress to do the

right thing, to provide a tax cut that will benefit over 12 million children of working families. One million of them, I remind my colleagues, one million of them are children of military families.

Congress must not recess today without giving American workers and their families the same consideration it gives the rich.

Why did Republicans in the United States House of Representatives not follow the other body and bring a clean child tax credit bill before us? According to a colleague from the other side of the aisle, and I quote: "If we are going to do it, we should get something in exchange. If we give people that do not pay taxes a tax break, it is welfare."

Well, Mr. Speaker, these families do pay taxes and they are not seeking welfare. They are seeking the same acknowledgment for their hard work as the rich receive in the Republican tax package. It is unfortunate that the Republicans believe these forgotten children and families do not contribute enough to deserve a break. Their actions leave no doubt that their priorities are dead wrong.

Mr. Speaker, we want to pass this tax break and we want to do it today before we go home to enjoy our tax breaks that we have passed in the House of Representatives.

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

Ms. SOLIS. Mr. Speaker, I would like to inquire about the time remaining on both sides.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. SOLIS) has 8 minutes remaining, and the gentleman from Kentucky (Mr. LEWIS) has 15½ minutes remaining.

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise today in support of the motion offered by my colleague from California, and I want to thank her for her extraordinary leadership. The Republicans are holding this measure hostage because they really want to avoid doing what is right. They knowingly left out millions of families in their tax bill.

Mr. Speaker, this is shameful and that is why we have been protesting their failure to provide this vital relief for working families. When the child tax credit was created in 1975, it was for the purpose of helping families, not hurting them.

President Bush said that all Americans would receive tax relief, but that was not the case. Initially, it seemed that the President's \$400 per child increase in the child tax credit was meant to help all families, but what we did not know was that the Republicans really did not mean "all families." Their idea of helping families did not extend to low-income working families,

the same people who were already left out of the President's tax cut on dividends which President Bush offered the wealthiest Americans.

When Republican negotiators went behind closed doors, suddenly these families of 12 million children were excluded from the child tax credit. Nationwide, that means one out of every six American children were excluded. These children come from families where the parents work hard and play by the rules. They deserve the same tax credit that other parents will receive, but they really need it more. Their families do not have the advantages that others have.

In the jobs depression this administration has put us in, the loss of the \$400 tax credit is like rubbing salt really in their wounds. Now let us be clear about some of the people who will be hurt by this huge inequity in the Republican tax plan, because the victims will be disproportionately African American and Latino and other people of color. 8.1 million taxpayers will receive no relief under the Republican tax cuts; 1.6 million of them are Hispanic.

Mr. Speaker, 8.1 million represents 44 times the number of taxpayers who have incomes exceeding \$1 million, yet the President and the Republicans have gone out of their way to help the wealthy. In fact, those people with incomes over \$1 million will receive an average tax cut of \$93,000 in 2003.

In terms of the child tax credit, one-half of all African American families will not get the full tax credit, while one-quarter will receive no tax credit.

And how can we abandon military families who are making tremendous sacrifices? One million children of military families were excluded from this tax package. So let us be for real in supporting our troops.

Mr. Speaker, the situation is outrageous, and it really does show the Republican leadership's complete, complete lack of compassion in their very conservative agenda.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are talking about tax credits here. Tax credits. One has to pay income taxes to get tax credits. A credit is on a tax that has been paid to get a refund.

My wife, not too long ago, said we needed a new automobile. And I said, great. I think the automobile dealer in town is having some tremendous rebates, so let's find the most expensive car we can buy so we can get a greater rebate. She did not think that was a very good idea because it was still going to be pretty expensive. So we are going to have to look at the less expensive cars. But I think we ought to get the rebate that the people who are paying for those expensive cars get. I mean, it is only fair. Or maybe I should not buy the car; maybe I should go down there and demand the rebate.

Mr. Speaker, that is what we are talking about here. What we are talk-

ing about is taking money out of the pockets of people that are paying taxes, income taxes, and putting it in the pockets of people that are not paying income taxes. And on top of that, we are already providing earned income tax credits, plus for those that are making \$10,500, we are paying child tax credits under current law.

So I do not know what we are talking about here, but I think that there is some problem when we are talking about tax credits, when there are those who want to take money out of someone's pocket, like the couple that I was talking about a little while ago that works overtime, works as hard as they can, and I am not saying that the working poor are not working hard, but they are not paying taxes. They do not have to pay taxes. They are not making enough to pay taxes. And to account for the taxes that they are paying, to make up the difference, we are paying earned income tax credits. Plus for those over \$10,500, we are paying child tax credits.

But, Mr. Speaker, I do not think we ought to be talking about tax credits here. We ought to be talking about helping those who are not paying income taxes. We are taking money out of one taxpayer's pocket and putting it in the pocket of someone who is not paying taxes.

Now, I think there can be an argument there that that is being compassionate. And being compassionate means that we are helping people that at some point cannot help themselves, and I think we are doing that. And I think the bill that we are talking about, H.R. 1308, provides a lot of help for families. A lot of help. And what this motion to instruct would do would reverse that. Again, I ask my colleagues to vote "no" on the motion to instruct.

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

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

Mr. Speaker, I would like to clarify that, to my knowledge, there are about 178,000 children from farming families that are going to be left out with no child tax credit. Perhaps the gentleman from Texas (Mr. REYES), our good friend and ranking member on the Committee on Armed Services, can speak to that effect about his experience as a veteran and how hard veteran families work.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, time after time during these times that our families are deployed overseas fighting for America's freedom and for the freedom of others, we hear many Members of this body talk about how great our soldiers are, and they are; how great their sacrifices are, and they are; how great the sacrifice of their family and the sacrifices that they are making, and they certainly are.

So perhaps I can clarify for my colleague here that one of the ways that we judge ourselves as a Nation is not about talking about today's heroes, but how we take care of yesterday's heroes. Cutting back veterans benefits is certainly not one of those ways that we honor the heroes of yesterday, because today's heroes fighting for our freedom across the country and across the world you are paying attention.

Mr. Speaker, today, as we speak, tax rebate checks are being sent to families around the country. But in my own district of El Paso and across America, there are hardworking families and families of brave members of our Armed Forces whose mailboxes will be empty. The tax bill passed in May leaves behind 8 million children by denying their families full access to child tax credit. This law fails to give the child tax credit to those earning between \$10,500 and \$26,625 per year.

Of the 8 million children left behind in this tax law, 1 million live with parents who are on active duty or are veterans. The children of our working families, especially those of our armed services, deserve better support from this body.

Mr. Speaker, there are over 16,000 military families with children stationed at Ft. Bliss in my district. With loved ones serving in Iraq, these families understand more than most what it means to sacrifice for our Nation. These families certainly do not deserve to be left behind, I would say to the gentleman from Kentucky that is handling the time on the Republican side.

The tax bill passed by this House penalizes enlisted soldiers who are serving in Iraq. For example, a staff sergeant with two children earning \$29,000 qualifies for the child tax credit. But if this same staff sergeant is deployed in Iraq, 8 months, 10 months, 12 months, we do not know what the duration is. That is why they are frustrated, his taxable income drops and his children do not qualify for the tax credit.

Mr. Speaker, this is no way to treat our soldiers. This is no way to treat those that we exalt here on the floor of this great House who are risking their lives for our country.

This motion will help these families. It instructs conferees to include provisions to allow our men and women in uniform and their families to include combat pay in their gross earnings for the purposes of calculating eligibility for the child tax credit. They deserve it. We ought to provide it for them. Let us send a message to our hard-working families that they count too and that we recognize the sacrifices being put on the line by military families around the world. Let us pass the Solis motion.

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

Ms. SOLIS. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Ms. PELOSI), our Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise in support of this very important motion

to instruct conferees. In doing so, I want to acknowledge the excellent work and leadership of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means; the gentlewoman from Connecticut, (Ms. DELAURO), who has taken a very important role of putting this issue of fairness to America's children forward; the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce, now a member of the Committee on Commerce, for her leadership; representing the freshman class, the gentleman from Maine (Mr. MICHAUD), the gentleman from New York (Mr. BISHOP).

Mr. Speaker, night after night, night after night for the past 2 weeks, Democratic Members have come to the floor to make the case for America's children, the case for the children of America's working families, the children of parents on active duty in the military.

Mr. Speaker, see, this is a copy of the check the President is going around the country posing for pictures with, a check saying that this is a good day because the check is in the mail for so many children in America. The good news is that the check is in the mail for so many children in our country. The bad news is, and the President knows this, that the check is not in the mail for 12 million children, 250,000 of them children of men and women on active duty.

The good news for those children is that their parents work hard, care about them, and are the backbone of our country. The bad news is they do not make enough money to be considered worthy of this tax credit. I ask my Republican colleagues, why not raise the minimum wage if they do not think it is high enough to get a tax credit for these children? They say: Oh, no, we cannot do that.

The good news is that these children are children of men and women on active duty serving their patriotic duty to our country. The bad news is that although we honor their service on this floor of the House on a regular basis, the service of our men and women in Iraq and Afghanistan, at the same time we dishonor them by saying their children are unworthy of receiving the tax credit because their pay does not count and is not high enough for them to get the tax credit.

Mr. Speaker, I listened with great interest to our Republican colleague who must have drawn the short straw to come to the floor to defend the indefensible, cutting 12 million children out of the tax credit, when he said that these people who cannot help themselves, well, they want to help them. These people are helping themselves. They are helping themselves. They are helping their children. They are helping our country. They are entry level. They are people with aspirations. They are people with young families. They are the future of our country.

The gentleman from Kentucky also said, well, for them we have the earned

income tax credit. That should take care of them. Others have said in the course of these couple of weeks, and on TV and again this morning here, they do not pay taxes. My colleagues have pointed out very clearly that they do pay taxes. I ask anyone who looks at his or her paycheck whenever they get paid, do they not think paying a payroll tax is paying taxes? Or paying sales tax is paying taxes?

The gentleman says, well, they get an earned income tax credit for that. Interesting to note, my colleagues, since we are having a quiet moment here this morning as Members come back to the Chamber after a very late night, the IRS has recently said that they are going to premonitor, premonitor, excuse me, I am using the wrong word, preaudit, preaudit families, low-income families who might wish to claim the earned income tax credit.

I ask my colleagues to think of it. These are people who make the minimum wage. We have said that they will get an earned income tax credit, and that is appropriate. The IRS is now saying they are going to preaudit these poor families before they can make that claim for the earned income tax credit by just listing their income on their income tax and signing that this is what their income is.

At the same time, they have a very, very low audit rate for wealthier individuals in our country. They have said on occasion that it is too difficult and too expensive to fight the lawyers of those with resources in our country, be they wealthy individuals or corporations. But instead, the IRS is using its resources to preaudit poor working families who may wish to claim the earned income tax credit. Just some issues of fairness that I thought it was important to note this morning.

Mr. Speaker, this check which will go out to many families of children in America, and that is a good thing and we all support that, this check for the poor children, though, of working families is delayed. Delayed. Delayed.

The President says he wants this tax credit for poor children. That is what the President said. That is what the President is saying on the road. The Senate has already passed the legislation and sent it to conference with the Republicans. It would take 1 minute for the conferees to meet, to accept the Senate language, put the bill on the President's desk, and remove this terrible embarrassment to the Republican Party. It is no wonder no Republican Members showed up on the floor today, leaving the gentleman from Kentucky (Mr. LEWIS) to do all of this heavy lifting by himself, carrying this unfortunate defense of the indefensible.

It has a nice ring to it. It is reminiscent. Delayed by whom? Delayed by DELAY. Delayed by DELAY. The child tax credit is delayed by DELAY.

I think the American people should know that. And if the President is serious about wanting this tax credit for

all children in America, and I believe that he does, then I think he should use his influence, his moral suasion, his leadership with the Members of his own party to say let us end this embarrassment. Let us end this embarrassment. Let us eliminate the delay caused by DELAY.

A couple of other thoughts that I wanted to convey to my colleagues this morning as we get back into the legislative mode after a very late night of debate and voting is that this delay for 12 million Americans takes place within the context of the past few weeks. As recently as yesterday, the Republicans strove to undermine, undermine Head Start. By one vote, this House passed a block grant program under Medicare that contained language that legalizes discrimination, but undermines Head Start, removing standards so important for lifting up children. And within the past couple of weeks, this body voted to underfund Leave No Child Behind by \$9 billion, leaving millions of children behind.

No tax credit if a child's parents do not make enough money, \$9 billion out of no Child Left Behind leaving millions of children behind. Undermining Head Start, removing the standards, turning it into a block grant, on its way to being unrecognizable. These, sadly, are the same children in many cases who are affected. The same children fall into the categories for education for disadvantaged children, children of parents making between \$10,000 and \$26,000 a year.

Mr. Speaker, that is not disadvantage. That is entry level. But nonetheless they would qualify for some of those educational benefits in Leave No Child Behind. And of course these children would take advantage of Head Start.

So this is all part of a pattern. I call it the trifecta against children that the Republicans have put forth. Actually, it is not my idea. The gentleman from California (Mr. GEORGE MILLER) calls it the trifecta, that great champion for children in our country.

So let us calm down after all the debates that we have had night after night that we have tried to make the case to the American people. This is almost like a Christmas carol or something where wealthier people are treated better than poor kids. And the children of America are in solidarity. They respect each other. They do not want other children not to have toys at Christmas and food to eat and a home to live in, the dignity of that kind of shelter.

Children are sympathetic to each other. Why can we not, as a Congress, be sympathetic to all children? Because what we are doing here today by saying this to these children, as I said again the context of the Head Start legislation and the Leave No Child Behind legislation, and when these children and some of the older siblings of these children have a bigger struggle affording college and higher education

because of what this Congress is doing to Pell grants, this is just not right.

Mr. Speaker, this is America's future. This is America's future. And to every one of those children, how much better if we could say to them: you are important to us. As President Kennedy said, children are our greatest resource and our best hope for the future. He did not say children of those making over \$26,000 are our greatest resource, and if their parents are even wealthier than that, our best hope for the future. He said all children are.

So this is about aspirations. This is about the American Dream. This is about making the future better. And day by day, quickly and surely, the actions of this House, lead by the Republican Majority, are undermining those aspirations.

It is not too late. It is not too late. We can accept the motion offered by the gentlewoman from California (Ms. SOLIS) to instruct the conferees to agree to the Senate language. We can do it right now.

End the delay. Have our conferees go to conference. Agree to the language. Put the bill on the President's desk. And would it not be a wonderful gift to him who has said, the President who has said over and over again that he wants this for America's children, all of America's children, that when he returns from his trip he can immediately sign the No Child Left Behind bill? In fact, they could probably get the bill to him on the road so that history will never show that on the same day that these checks were being received by some children, that other children were getting nothing. Were getting nothing.

Mr. Speaker, with that I commend all who have worked so hard to make the case for America's children, for America's future. I thank the gentlewoman from California (Ms. SOLIS) for her diligence, and all of our colleagues, the gentlewoman from California (Ms. WOOLSEY), who I see on the floor has been so much a part of this fight. I could name practically every Member of the Democratic Caucus who has played a major and significant role in making the case on this floor, to the press, and across the country that fairness is a value that Americans hold dear and that we agree with President Kennedy that children are our greatest resource and our best hope for the future. All of America's children.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. LEWIS of Kentucky. Mr. Speaker, I think fairness really is the issue here. When I look at the child tax credit that is refundable to the extent of the taxpayer's earned income in excess of \$10,500, plus the earned income tax credit, the earned income tax credit, here are some numbers that I think are interesting. There are 18 million families receiving earned income tax credits at a cost of \$30 billion. \$30 billion, 18 million families. I think those numbers need to be looked at.

But here are the actual numbers. The head of a household with two children at \$10,000 in wages would receive \$4,010 in earned income tax credit; \$15,000, a refundable child tax credit of \$450; earned income tax credit of \$3,823; \$20,000, \$565 child tax credit, an earned income tax credit of \$2,770. We are helping those that need this help.

And going back to the military, the House-passed bill does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit. Under the House-passed bill, the Democrat motion to commit would only increase the credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

Mr. Speaker, The House-passed bill provides more tax relief to military families because it includes \$806 million of military tax benefits. These provisions have passed the House on numerous occasions and are awaiting action in the Senate.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the motion to instruct conferees.

Mr. Speaker, it's a simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before the August break?

Unfortunately, we know the answer, and it is not good news for the 4 million families with incomes between \$10,000 and \$26,000 who were left out of the original Republican tax cut plan. And it is not good news for the 262,000 children of military servicemen and women who currently serve or have served in Iraq or other combat zones because their combat pay actually reduces their tax credit.

With the Republican party in control of the White House, the Senate and the House of Representatives, President Bush and the Republican leadership have the political power to pass tax relief for these families today. But do they have the political will?

I think that question was answered by Speaker HASTERT, when he was asked last Sunday if he and the Republican leadership would pass the child tax credit before leaving town. Speaker HASTERT dismissed the question by saying that the families making between \$10,000 and \$26,000 "don't pay taxes."

I hope the Speaker will talk to some of these families in his own district. If he does, they will be glad to inform him that even though they don't earn enough to pay income taxes, they pay plenty in Social Security payroll taxes, sales taxes, and—if they are fortunate enough to own a home—in property taxes.

Mr. Speaker, we should pass the child care tax credit bill today and give working and military families the tax relief they deserve. As I said at the outset, it's really a very simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before we break or will they continue to look the other way and go home?

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. 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 motion are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: under the heading "State and Tribal Assistance Grants" beginning with "except that, notwithstanding section 1452(n)" through "water contaminants". Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of 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 one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the

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

Mr. Speaker, House Resolution 338 is an open rule which provides 1 hour of general debate, equally divided between the chairman and ranking minority member.

Mr. Speaker, H.R. 2861, the Fiscal Year 2004 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Act we are hearing today. The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in the resolution.

After general debate, any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. The bill shall be read for amendment by paragraph and the rule authorizes the Chair to accord priority in recognition to the Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, there is much to be said about what is good in this bill.

Mr. Speaker, I reserve the balance of my time at this point, and will speak about it later.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes and yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, part of the cost of waging war is the cost of caring for our veterans when they return home. Today, American troops are fighting in Iraq and Afghanistan and this body is considering an appropriations bill that grossly underfunds the veterans health care.

It is projected that 600,000 veterans will enroll in the veterans health care system this year. However, the veterans health care system cannot meet the medical needs of the number of veterans who are already enrolled because of inadequate funding.

□ 1030

More than 235,000 veterans are waiting 6 months or more for doctors' appointments. Embarrassingly, many veterans have reported waiting 2 years before they were able to see a Veterans Affairs doctor. The VA has reached capacity at many health care facilities and has closed enrollment for new patients at many hospitals and clinics. The VA has also placed a moratorium on all marketing and outreach to veterans.

According to the Veterans of Foreign Wars, because the veterans health care

system is underfunded, 1.1 million veterans will either be pushed out or not even bother to try to access the VA health care. The funding allocated for veterans health is simply not enough and our veterans pay the price.

With this bill, we break many promises that we made to the veterans. The budget resolution for fiscal year 2004 pledged billions more for veterans medical care than has been allocated in H.R. 2861. Whenever America's men and women are sent off to war, they leave with the promise and the expectation that a thankful and grateful America will provide them with quality and accessible health care at least when they return home. We break this promise if we do not provide the funds necessary to ensure that no veteran waits months for a doctor's appointment or is denied admission to the VA health care system.

Late last night, the Committee on Rules prioritized tax cuts for the wealthiest Americans over the health care needs of America's veterans. Along party lines, the committee rejected an amendment by the gentleman from Texas (Mr. EDWARDS) that sought to increase the funding for veterans medical care by \$2.2 million. A small reduction in the tax cut for people making more than \$1 million would provide the needed additional health care funds with no pain to the millionaire. We should not accept the proposition that the government is able to pay for a \$350 billion tax cut for the wealthiest Americans but is unable to fund \$2 billion more for veterans health care needs.

The Committee on Rules also rejected an amendment by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), again on party lines. This amendment would have increased funding for veterans health care by \$1.8 billion, bringing the total funding level for veterans health care to the level set in the budget resolution. Meeting the budget funding levels would ensure that the VA is able to continue to treat all of the veterans currently enrolled and ensure that the VA is able to maintain nursing home care levels for the aging veterans, and indeed, it recognizes the fact that more veterans will be coming home from the present wars needing help.

Mr. Speaker, it is heartbreaking that we have American soldiers in Iraq and around the world who will find the system they count on crumbling when they return home. We need to fix the inadequacies in the underlying legislation. I urge my colleagues to oppose this rule, and I hope that I can tell the 60,000 veterans in my district that we honor our commitment to them and will provide them with the health care we promised them.

I do want to say that I think both the committee chair and the ranking member on the committee tried extraordinarily hard in a bipartisanship that is really the way our House ought to

operate, and I want to give them my thanks for their hard work. Nonetheless, I would like to call for the defeat of this rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I am here to speak against the rule on the VA-HUD appropriations bill.

Our troops are beginning to return from their service in Afghanistan and Iraq. Sadly, these have not been bloodless wars. None of them are in history, and certainly many of these brave men and women will now rely upon the VA for their health care. They do not deserve delayed or rationed services.

Ultimately, this Congress did the right thing in approving a budget resolution that increased funding for veterans programs by \$1.8 billion. We want to ensure that we keep the promise that we gave our veterans and add these funds to the appropriation for veterans health care. Please give us the opportunity to do so.

Mr. Speaker, Sunday is the 50th anniversary of the signing of the peace treaty for the Korean War. Veterans have gathered here in Washington and elsewhere to commemorate this event. Some of these veterans are gathered in the halls of this Congress today.

It comes down to this, Mr. Speaker, with the vote on this rule: You are either for or against veteran health services for veterans. What will you say to the veterans watching today and your veterans at home tomorrow who are showing great interest in this issue? Do you support them or not? Vote no on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, everyone knows that there is a crisis in veterans health care in this country. All too often a veteran who has prostate cancer will be told that it is going to be 3 months before he can see a specialist. There are delays in seeing almost any specialist in the system. Veterans hospitals are in many ways inadequate for the demand that they face, and there is no question that if this bill passes as is, it will make that situation worse.

Now how can I say that? After all, the bill has a 6 percent increase. Here is how I can say it.

Inflation, first of all, will cost at least 3 percent more this year to serve the same population. In addition, the population which will be served, or will be eligible to be served I should say, will increase by 9 percent this year. So that means that this bill would need to be 12 percent above last year for veterans health care just to stay even.

This bill does about half of that. So if you pass this bill as is, veterans health care will get worse, not better, in this country, and I do not think that makes any sense.

Members from both sides of the aisle asked the Committee on Rules to allow amendments to be offered that could fix this situation, and they have been told, "No, sorry, boys and girls, cannot do it." That, I think, means that if you want to do anything meaningful besides send out a political press release or a nice flowery letter, another one of those wonderful resolutions that passed this Congress 430 to nothing, if you want to do something to back up all those wonderful flowery words, if you want to send your veterans, as the gentleman from Michigan (Mr. KILDEE) says, if you want to send them something other than a get well card, you will vote against this rule, and give us the chance to boost veterans health care in a meaningful way.

We want to be able to offer the Edwards amendment which would raise the veterans health care budget by over \$2 billion, and it would pay for it by reducing the size of the tax cut for people who make over \$1 million a year from \$88,000 to about \$77,000. So we have a choice. What is more important to the country, an \$88,000 tax cut for someone who makes 100,000 bucks a year or putting veterans where we promised we would put them, which is first in line immediately for the medical care they need?

Now, I know some people will say, "You know, this is a bottomless pit." I have heard it said this is a bottomless pit. How much are we going to give the veterans? We did not ask how much the veterans were going to give us when they agreed to put everything on the line, and it just seems to me that our position ought to be that whatever it takes to provide people who wore the uniform of this country under any circumstances, whatever it takes to provide them with decent health care we are going to do.

To me, that is a whole lot more important than a number of the tax choices that have been made, and I think it is to a lot of people in this Chamber as well.

So I would strongly urge you to vote against this rule. If you are not willing to vote against this rule, do not go back home and tell your veterans, oh, man, we put you first, we really did. This committee has done a credible job with the resources available, but the resources available are pitiful in comparison to need.

So I would hope Members would recognize that it is no criticism of the subcommittee itself to vote against this rule. It is a criticism of misplaced institutional priorities in this House, and we ask the House to take the only action you can take if you want to correct those misplaced priorities, and that is to turn down this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gen-

tleman from Massachusetts (Mr. MCGOVERN) a member of the Committee on Rules.

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

Mr. Speaker, this is a defining moment for this Congress. What we are talking about here today is a big deal. It is a huge deal. This is about veterans and the services that they receive in this country. The vote on this rule will show once and for all which Members of this body truly support veterans and which Members are merely talking a good game when it comes to funding veterans programs.

This bill woefully underfunds veterans services. It is disgraceful. We have young men and women who are bravely serving in Afghanistan and Iraq and around the world, and how do we thank them for their sacrifices? By cutting important veterans programs and services.

I know the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) did the very best they could with the little money they had to work with. In fact, they should be praised for crafting this bill out of such few resources. They are both dedicated and good public servants, and I do not fault them for this problem.

But I do fault the Republican leadership and the Republicans on the Committee on Rules for not making several bipartisan amendments in order last night that would have increased veterans spending by at least \$1.8 billion. The gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) had an amendment, the gentleman from Texas (Mr. EDWARDS) had an amendment, and they were just shut out.

The Committee on Rules provides waivers all the time, and it could have provided waivers for these amendments. Not only did the majority fail to provide waivers for these amendments, but in fact, every single Republican on the Committee on Rules voted against every amendment to increase veterans spending last night.

Mr. Speaker, the sad reality is that the Republican leadership is all talk and no action. They talk about funding important programs. They talk about their support and their admiration for our veterans. They like to pose for pictures with our veterans. They speak at every veterans conference, but they do not back up their rhetoric with the funds necessary to pay for these programs.

Frankly, this body is quick to pass authorization bills that designate the necessary funding levels, followed by lengthy press releases and big press conferences, claiming support for these programs, but the Republican leadership does not put its money where its mouth is when it comes time to genuinely provide the funds needed to run these programs.

This entire year has been nothing but a history of broken promises, to our

teachers, our schools, our children and, today, to our veterans. It is wrong, Mr. Speaker, and it is outrageous that this Congress is turning its back on the men and women who have defended this country and made it the greatest and freest country in the world.

We have veterans in our districts who have to wait months and months and months to get health care. We have veterans programs that are being slashed, but it does not have to be this way.

I truly believe that this is a defining moment for this body. A yes vote on this rule is a vote against veterans. This rule prohibits any opportunity to increase veterans spending. So if my colleagues want to live up to their rhetoric, if they actually support our veterans, then join me in voting against this rule. Send this flawed rule back to the Committee on Rules and force the majority at a minimum to give us a vote but, more importantly, to give our veterans what they deserve.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished colleague, the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I would like to thank the gentlewoman from Ohio (Ms. PRYCE), my colleague from the Committee on Rules, who has helped us to guide this bill through the Congress the last three years. She does a great job and knows the bill very well and is very capable at this.

I would like to first of all, Mr. Speaker, talk a little bit about the rule. This rule provides for the customary protections usually afforded all appropriations bills at this stage of the process. It is an open rule but it waives points of order against unauthorized appropriations because so much of this bill is unauthorized.

The Appropriations subcommittee is appropriating funds for NASA, much of which is unauthorized; EPA, much of which is unauthorized; HUD programs, National Science Foundation, and we have heard a lot about veterans, and we will continue to hear more about veterans.

□ 1045

But there are a lot of items in this bill that are of critical importance to these Departments; and this would, in effect, provide the authorization required for this current year.

Most of the focus has been on veterans issues in this bill, and rightly so. It is the priority for the subcommittee each and every year that we provide for funding for this area. But I would like to talk a little bit about some of the other aspects of the bill, the other Departments that are funded in this bill.

HUD is the Department that provides for housing for all Americans. We have fully funded the section 8 housing voucher program, which allows individ-

uals to live where they would like and take their housing vouchers with them to help pay for their rent. It is a very popular program. It is fully funded. Of our allocation, which was only about a \$3 billion increase over last year, a billion of that goes just to fund the cost increases in the section 8 housing voucher program. No new vouchers, but it is fully funded. And I would remind my colleagues that thousands of American veterans live in section 8 housing, and they benefit substantially from that portion of the bill, as all other Americans do.

In the AmeriCorps program, which has had a lot of discussion and debate of late, the subcommittee provides them with about a \$100 million increase over last year's budget. We raised the cap. We allow AmeriCorps to put on an additional 5,000 volunteers, which is something the President wants. We go from 50,000 to 55,000. Our only hope is that they will hire that many, as opposed to last year when they had a cap of 50,000 and they put on 67,000 volunteers. So there are problems over at AmeriCorps and National Corporation that they are working on trying to fix. We are going to provide them with additional funds this year; and, hopefully, we will get it right this year.

The Environmental Protection Agency. We provide for about \$8 billion in funding for that agency. We maintain the level of enforcement that we maintained last year, which was an increase over the prior year. We have added back about \$.5 billion in funds to the EPA to provide for clean water, wastewater improvements, and combined sewer overflow conversions so that we can help clean up our Nation's water. There is a tremendous demand out there. This will not cover the problem; but of our \$3 billion increase in allocation, about \$.5 billion of it went to clean water SRF and State and tribal assistance grants.

NASA is really a status quo budget because we are waiting to hear what happens with the Gehman Commission. They will be reporting back to the Congress probably in August, and we expect that that will have some major ramifications for NASA. The administration will have to weigh in on that, and possibly we could be dealing with that in a supplemental later in the year. I do not know. I do not know what the administration will want us to do. But we did not deal with those issues in this bill. As I said, it is a status quo budget for NASA.

National Science Foundation. The Congress has asked us to double National Science Foundation over a 5-year period. We could not do that with this allocation. We have provided for in the last several years almost double-digit increases in the National Science Foundation. Everybody agrees these are important investments for the country, but we provided for about a 5 percent increase in National Science Foundation.

That brings us to veterans. And I describe this bill, the VA-HUD and inde-

pendent agencies bill, as a train, and the engine that pulls the train through the Congress is the veterans funding. It is the most important priority of the subcommittee. It has the largest advocacy group. It has the broadest support within the Congress.

Now, as I said, we had about a \$3 billion increase in our allocation over last year's enacted level, and \$1.3 billion of that goes toward the veterans medical care. There is also a \$1 billion increase for veterans mandatory programs for veterans benefits, so a \$2.3 billion increase just for veterans out of the about \$3 billion that we got as an increase. Actually, the mandatory is separate, but an overall increase in veterans, counting discretionary and mandatory, is about a \$2.5 billion increase.

Mr. Speaker, we have increased veterans spending in the last 5 years by almost 50 percent, 49 percent. I do not believe there is any other Department in the Federal Government that has experienced a 50 percent increase in the last 5 years. This subcommittee has bent over backwards to try to meet the needs of our veterans.

Now, we will hear, and it is accurate, that the number of veterans actually coming into the VA has increased beyond that number. But I would submit that most of the new veterans coming in are coming in for prescription drugs. They are what we refer to as category 7s and 8s.

The Congress has, in its wisdom, dramatically expanded eligibility for access to the veterans health agency. Many of the new veterans that are coming in are not indigent and they are not service connected, but they are eligible under the new broadened eligibility rules that the Congress put in place. That is putting an additional burden on the VA. It is creating long waiting lines.

There are a couple things that can happen that the administration can do. One of the things the Secretary is talking about relates to one of the problems we are experiencing. A category 7 and 8 looking to come in for prescription drugs cannot get them until they have a physical, even if they have had a physical by their own personal doctor. Now, that it is a double cost. It is a cost possibly in Medicare; it is also a cost in the VA if they need to get two physicals. There is some discussion about waiving that initial physical for veterans when they come to the VA if it is just for prescription drugs. So that would reduce the waiting time.

Also, there was in this bill when we first brought it to the Congress a fee requirement, a \$250 premium and a \$15 copay, which has been stripped from the bill. So those additional fees that were in the bill are no longer in the bill. We just do not have the allocation that some people would like us to have, the amount of funds some people would like us to provide. The budget resolution that we passed required us to raise veterans spending for health care even higher. The problem was we did not have the resources to do that.

There was an assumption in that budget resolution for \$7.5 billion more than we actually had. It was supposed to come from mandatory savings, from waste, fraud, and abuse savings; but that was knocked out in the conference so we did not have those additional funds. Now, we went back and rescinded \$5 billion from defense to provide the Committee on Appropriations with an additional \$5 billion, which we did do, which provided some relief; but we still came up about \$2.5 billion less than what was assumed available in the budget resolution. So it squeezed us.

Now, I do not stand back from the commitment that this bill has made to veterans. We have increased mandatory spending. We have increased discretionary spending. It is clearly the priority. We have increased veterans health care 50 percent in the last 5 years. As I said, no other Department, no other agency in the Federal Government has experienced that kind of growth.

This is a bill we can be proud of. This is a bill that maintains its commitment and maintains its promise to veterans, but it also provides the necessary resources to make the investments in our Nation's intellectual and technological future by making investments in the National Science Foundation. On NASA, we are waiting for the report and we will respond to that. Environmental protection, we think this is a strong vote of support for protecting our environment, which is a priority for our party and for all parties in this country, certainly for the President. It provides an increase for AmeriCorps, and it also fully funds our Nation's public housing program, which, to me, is as important a commitment as our commitment to the veterans.

We have an obligation, I think, in this country. This is a very competitive society. Some people do not compete as well as others. There is a need out there for public housing, and this Congress stands behind that commitment to those individuals that, until they can get on their feet and manage their own housing costs, we need to stand behind them.

So it is a very complex bill; we have limited resources, but a full desire to meet our commitments that we have. Mr. Speaker, I am proud of this bill, and I urge its support and support of the rule. It is a good rule. It is an open rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 20 seconds to say to the gentleman, the Chair of the subcommittee, the gentleman from New York (Mr. WALSH), that we do know what a wonderful job that he does with what he has been given, but we do believe we could make the bill a little better if we were allowed the Edwards amendment.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, I know you know about veterans issues, because I was honored to serve as your ranking member on the Subcommittee on Benefits. As I sit here and listen to my good friend and colleague trying to deal with a very difficult situation, trying to put the best face he possibly can on this, the thought occurs to me that if we are interested in doing right by our veterans, and I spoke earlier about the sacrifices that today are being made by the families of our veterans and current members of the armed services, it occurs to me that no amount of parliamentary gerrymandering that talks about unauthorized appropriations and those kinds of fancy words can make this issue go away.

Yes, there have been increases in the VA budget, but I would remind my colleagues on both sides of the aisle that not too long ago we were in a situation where we had a surplus. I spoke about putting our veterans at the head of the line. Instead, we put tax cuts before our veterans. The gentleman from New York (Mr. WALSH) is absolutely correct, we do not have the resources today. Why do we not have the resources? Because we prioritized tax cuts ahead of our veterans and ahead of so many other programs.

Those of us that continuously have an opportunity to go visit with today's heroes, heroes that we talk about on the floor of this House, heroes that we talk about in our respective committees, and I am talking about the men and women that are laying down their lives in Iraq and other parts of the Middle East and around the world in serving proudly for our country, we go to Walter Reed Hospital and to Bethesda and we see the results of those sacrifices. Why can we not increase the budget of the veterans administration that take care of today's heroes? Because we are not even taking care of yesterday's heroes.

Veterans today are not coming in just to get prescription drugs. They are coming in because they need attention after putting their lives on the line for this country. They deserve better. They deserve to have us do our job for them, if nothing else. Vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as we speak from the comfort and security of this House Chamber, tomorrow's veterans are putting their lives on the line in Iraq today. That is why this rule is shameful.

With this rule, the House Republican leadership has guaranteed inadequate funding for veterans health care during a time of war. And to add insult to injury, the House Republican leadership has broken its recent promises with this rule to veterans. How? By ensuring that we cut VA health care funding by \$1.8 billion less than they promised our veterans just a few weeks ago.

Do not listen to just my voice; more importantly, listen to the voices of America's veterans' leaders. Let us go to Ron Conley, the national commander of the American Legion. He said this: "I have visited over 60 VA medical facilities across the country only to find that budgetary shortfalls are preventing hundreds of thousands of Americans from receiving timely access to quality health care." He goes on to say that to fund VA medical care short of that recommendation in the House budget resolution "sends a chilling message to those who served in the liberation of Iraq."

Shameful, Mr. Speaker.

□ 1100

Let us talk about broken promises. It would be wrong to break promises to veterans in any year, but to do so in a time of war is absolutely inexcusable. The VFW in its national press release just a week ago calls this bill without the amendment that has been prohibited with this rule to increase veterans funding by \$2.2 billion "a clear betrayal of the assurances made to America's veterans by the House Republican leadership." VFW Commander in Chief Ray Sisk said on July 17, "The House leadership has deceived us."

The national legislative directors of AMVETS, Paralyzed Veterans, and Veterans of Foreign Wars said this:

"This represents a flagrant disregard to promises made to veterans by this Congress."

I think I know what is happening. The Republican leadership is carrying out the will of its majority leader, TOM DELAY, who said not long ago that in time of war nothing is more important than tax cuts. I would hope, Mr. Speaker, that Mr. DELAY would tell that into the eyes and into the faces of the 20,000 soldiers from my district that are presently putting their lives on the line in Iraq. This rule that prohibits a \$2.2 billion increase in veterans health care guarantees broken promises to our veterans in time of war, and it guarantees inadequate funding for veterans health care. That is shameful.

Vote "no" on this rule and in doing so let us support America's veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. There is nothing extraordinary about it at all.

This is a standard rule for consideration of an appropriation measure. It is an open amendment process. For my colleagues, I would like to explain exactly what it is that we have done. The subcommittee, very ably chaired by our friend from New York (Mr. WALSH), worked its will, went through its subcommittee process, worked through the full committee, and it had a number of very important items focused obviously at its number one priority, dealing with the veterans of this Nation. Do I wish that more could be done for veterans? Absolutely.

I was just having a conversation with my friend from Connecticut (Mr. SIMMONS), subcommittee chairman on the authorization committee. Obviously, we would like to be able to do more. We live within the constraints of the 302(b) allocations, and I believe that the gentleman from New York did a phenomenal job with those limitations that have been imposed on him.

There are a lot of other issues that are included in this measure, Mr. Speaker, some that are important to me. I happen to be privileged to represent the Jet Propulsion Laboratory just above Pasadena, California, in La Canada-Flintridge. They are phenomenal projects that they have been pursuing, the Prometheus Project, the Jupiter program. They have been involved on the cutting edge of exploration, which is improving the quality of life for all of us. Important funding for that is included in this measure.

As the full Committee on Appropriations worked out its package, they came to the Committee on Rules and asked for, as is usually the case, a waiver to simply protect the work product of the subcommittee and the full committee. Chairman YOUNG, who does such a great job, was supportive of that request that came forward to provide the protection for the bill itself. And then, Mr. Speaker, what we did is we made in order what is called an open rule. An open rule means that any Member can offer a germane amendment that relates to this appropriations bill. That means they can offer striking amendments, cutting amendments. Those are in order. Those amendments are in order.

That is why, while I am very sympathetic, very sympathetic, with the concerns that have been raised by my colleagues as it relates to veterans, we need to recognize everything that has been done for veterans. The dedication that the United States Congress and our government has made to those who have sacrificed for our country is very strong. I was just telling the gentleman from Connecticut that my father was a drill instructor, Mr. Speaker, in the United States Marine Corps. He passed away 6 years ago this past March 3. I miss him greatly, but he inspired me. The service that he provided to our country inspired me. I cannot in any way turn my back on that kind of dedication, that kind of commitment to our country. I believe that this

measure does effectively address the challenges that we have, and I hope very much that we will at some point be able to do more. I appreciate the work of so many of our colleagues on this.

But I think that we need to move ahead and get this bill done. Chairman YOUNG has done a phenomenal job with the appropriations process, but we have a lot of work ahead of us so I hope we are able to move quickly. I thank my friend from Ohio for yielding me this time.

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

Ms. CARSON of Indiana. Mr. Speaker, I extend my heartfelt gratitude to the honorable gentlewoman from New York for yielding me this time. I do not believe that there is any Member of all of us who does not love veterans. I really believe that you genuinely love veterans and that you probably have some of them in your district. So I believe that you love them. I am here simply to say, help my disbelief.

We have hospitals closing that were inspired and created specifically to accommodate health care for veterans. We have veterans in my district, if you would care to talk to some in yours, who have endured long waits just to have an opportunity to see a doctor in a VA hospital. If you really love your veterans, give up your seat in Congress to a veteran so that they can go down to the attending physician's office and go out to Walter Reed or Bethesda whenever they have a toe ache or a headache and then that would be showing your love for a veteran.

In 1789, General and President George Washington, whose picture hangs on the wall here in the Chamber, said: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

We pass feel-good legislation not to desecrate the flag. We pass resolutions to support our troops. If we truly, genuinely, without hypocrisy want to support our troops, vote against the rule. If any of you care to notice, many of our young women and men who are in war right now will come back hopefully in this country, but many will be maimed, many will be without limbs, many will suffer post-traumatic stress disorder, in need of dire medical care. We are closing down veterans hospitals around this country. That is just devastating that we are shutting out the people who fought for the freedom of the United States of America. We come in here and pledge allegiance to the Flag on a daily basis, pretending to support those who preserve the freedom for this country.

The President's budget requested a \$1.4 billion increase when it really needed at least \$2.5 billion, even to meet its own definition of current serv-

ices, which includes serving fewer veterans and further rationing services like nursing home care. It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of the workforce. The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee. Give me a break.

This rule is atrocious. It reeks with hypocrisy. It reeks with inhumaneness. I would encourage anybody in the name of the veteran to vote against the rule.

In 1789, General and President George Washington spoke these words:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by this country.

This bill shortchanges veterans.

I do not believe we should be balancing the budget on the back of veterans. By not allowing priority 8 veterans to claim the benefits they deserve for serving this nation only because they were lucky enough to escape combat without injury is wrong.

The President's budget requested a \$1.4 billion increase when it really needed at least \$2.5 billion even to meet its own definition of current services, which includes serving fewer veterans and further rationing services like nursing home care.

It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of its workforce.

The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee.

Congress has not had the stomach for the Bush legislative initiatives, but hasn't replaced the funds they were designed to create.

Ultimately this body agreed to accept the Senate budget numbers that increased VA discretionary funds, including medical care by \$1.8 billion in fiscal year 04.

This level of funding would allow VA to fill the funding deficiencies left from our rejection of Bush's legislative initiatives, restore a vital nursing home program and fund much-needed construction.

We must not break our promises to veterans. The VA-HUD appropriations bill will not meet veterans' needs. Its increase from last year is \$1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

Even the President's own Task Force to Improve Health Care Delivery for Our Nation's Veterans acknowledged the problem, stating that "There is persistent concern about the inability of VA to provide care to enrolled veterans . . . ."

The President's Task Force also noted that "the Federal Government has been more ambitious in authorizing veteran access to health care than it has been in providing the funding necessary to match declared intentions."

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. "To bind up the Nation's wounds, to care for those who have borne the battle." Those are the words of our greatest Republican President. It was the beginning of a national promise, a promise, an obligation, a sacred obligation to look after those who bore the battle. The result is today we have in the VA excellent doctors and nurses, excellent facilities as far as they go, but it is not far enough.

Patients have unacceptable waits. And when it comes to medical care, to delay is to deny. Those who served in uniform did not wait to serve. This bill effectively cuts veterans health care. Do not just take my word for it. The DAV, the VFW, Paralyzed Vets say this cuts health care. The rule denies waivers to the gentleman from Texas (Mr. EDWARDS), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Illinois (Mr. EVANS) to try to address this. That is reason enough to justify defeating this rule. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) have done their best; but we must not forget, these cuts were not an accident. They did not happen in the Committee on Appropriations just yesterday. They are the deliberate result of a partisan budget that was rammed through Congress a few months ago. It was passed with some empty promises to some of our colleagues that veterans would be taken care of later.

But this budget, despite the words of the chairman, who a moment ago said, "We would like to do more," this budget that was rammed through Congress months ago cut veterans benefits.

Here is what they said: You know, we found several trillion dollars of money that we don't need. It's your money, Americans. We'll give it back to you. You know how to spend it better than we do.

I ask you, Mr. Speaker, whether these young and old millionaires who get 80, \$90,000 will spend it better than the government to take care of those veterans, to see that they do not have to wait at their local clinic at Fort Monmouth; or Brick, New Jersey; or Lyons Hospital in New Jersey. Do they know how to spend it better?

Defeat this rule. We owe it to those who served in the Second World War, in Korea, in Vietnam, in the Gulf War and in a number of other actions; and we owe it to the new veterans who are coming home every day. Defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I oppose this rule. This bill critically underfunds veterans health care, affecting the lives of more than 26 million veterans in our country and 75,000 veterans in my State of Connecticut. For over 200 years our veterans have

made sacrifices for our country. Some of them continue their sacrifices after they come home. They may require continued care, rehabilitation, help with job training, college, promises that were made to them when they volunteered to serve. Shamefully, we are going back on those promises now.

This bill breaks the promise by the House Republican leadership to veterans by providing \$2 billion less than the budget resolution. The administration recognized the shortfall in their budget request, but claimed that they made up much of the difference implementing so-called, quote, management efficiencies by outsourcing a large portion of the medical care workforce. Outsourcing medical care will in all likelihood mean inadequate care for many of the 2.3 million veterans currently receiving benefits for service-related disabilities. It could mean longer lines for the more than 134,000 sick and disabled veterans who have already been waiting more than 6 months to simply get an appointment at veterans hospitals.

In my State, almost 2,000 veterans will be frozen out of VA enrollment entirely. I am troubled that the President has made no attempt to request emergency funding to restore enrollment for new priority 8 veterans. If this is not an emergency, then what is?

The respect and the fair treatment of veterans is an issue that hits close to home to me, Mr. Speaker, because my dad, an immigrant to this country from his native Italy, was a veteran. He proudly served in the United States military. He would find it unconscionable that this Republican Congress would renege on a commitment they made to our soldiers at the very moment our men and women are securing the peace overseas.

Mr. Speaker, you cannot support our troops and not support our veterans. Mr. President, you cannot support our troops and not support our veterans. You cannot pay for today's military services by cutting the funds for those who served in the past. It is wrong. We should honor the legacy of sacrifice made by American soldiers by supporting our veterans and the services that they rely on. We owe our veterans better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, despite the Republicans' promise to veterans during the budget process, we find ourselves with a VA-HUD appropriations bill that is shamefully inadequate. We have cut the \$3.4 billion increase that we promised veterans in half. Even though the Committee on Appropriations took out the President's recommendations to impose new enrollment fees and copayments on veterans, they did this by simply shifting funds and adding no new money.

□ 1115

Therefore, we have a new \$264 million hole in the VA budget. Chairman SMITH

and Ranking Member EVANS had an amendment to restore \$1.8 billion. But it was denied a waiver by the Committee on Rules. Mr. EDWARDS had an amendment that would have added \$2.2 billion to VA health care for all veterans including priority 8 veterans, they were recently shut out of VA health care altogether, but it was also denied.

A few weeks ago some of my Republican colleagues held a press conference in order to calm the fears of the veterans across America who were concerned that their health care system would not be adequately funded. They assured the veterans that funding veterans service was a priority of the Republican Party. A priority of the Republican Party. We now know that their words were empty. Their promises were nothing, nothing but empty rhetoric.

We can find money for a massive tax cut. We can find money for Pakistan. We can find money for Turkey. We are spending \$4 billion a month in Iraq. We can find money for veterans health care. You just do not want to. Shame on you. I feel sorry for you when you go home in August and explain to your veterans why you turned your back on them, why you gave them an inadequate health care budget when you promised to do better.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

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

Mr. SIMMONS. Mr. Speaker, I rise in opposition to this rule. I rise in opposition to this rule because without an amendment that we presented to the Committee on Rules last night, we cannot fix the VA/HUD appropriations bill, and that bill needs to be fixed. That bill needs an additional \$1.8 billion that was carried in the budget resolution that we passed in this body just a few months ago.

Over 30 years ago, I went to infantry OCS at Fort Benning, Georgia and I learned there that an officer's word is his bond and I have carried that with me through 3½ in Vietnam, 37 years in the U.S. Army, 10 years in the Central Intelligence Agency, and 3 years in this body. An officer's word is his bond. And we pledged in April that we would fund veterans health care adequately. This bill does not fund veterans health care adequately. It does not help us keep the promise. It does not allow me to keep my word, which is my bond. Vote against the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

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

I rise in strong support of defeating this rule and keeping our promises to our veterans.

Ms. SLAUGHTER. Mr. Speaker, I yield my remaining time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the most powerful statement made in this debate this morning is the deafening silence of House Republicans. I hope veterans all across America have noticed that only one Republican out of over 200 in this House had the courage to say that we should have just the right to be able to vote for an amendment to increase veterans health care spending this year by \$2 billion. Deafening silence. Broken promises to veterans in time of war, inadequate funding for veterans health care. That is what Republicans are saying when they vote yes on this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, when Members of Congress met in the subcommittee to write this appropriations package, planning the most effective and efficient way to fund many of these programs, they did not pick random funding level. Quite the contrary. The gentleman from New York (Chairman Walsh) and the gentleman from Florida (Chairman Young) had a good solid record of success to guide them upon which to build. They were able to look at all of the significant battles that Congress has fought and won for our veterans in the past, the measurable steps we have taken to provide better and better and better benefits and care for our veterans.

In the fight to enhance veterans access to high-quality health care, we have won many battles. Through the Veterans Benefits and Health Care Improvement Act, we ensured quality medical staff through competitive compensation for VA nurses. Through the Veterans Millennium Health Care and Benefits Act, the House has increased access to geriatric evaluation, nursing home care and adult day care.

In our fight to improve job training, education and employment placement for veterans, we have won many battles as well. Through the Jobs for Veterans Act, Republicans have provided a new system of incentives and accountability measures aimed at enhancing economic security. Through the Veterans Entrepreneurship and Benefits Improvement Act, the House has provided veterans with assistance in starting and growing small businesses.

In our fight to enhance veterans survivor benefits, we have won many battles. Through the Survivor Benefits Improvement Act, Republicans have provided \$100 million in new health care benefits for surviving spouses and extension in life insurance coverage to families in their time of need. In our fight to improve the overall quality of life for veterans and their loved ones, we have won many battles. Through the homeless veterans law, we have provided \$1 billion to help homeless

veterans receive housing vouchers and assistance for those veterans undergoing treatment for mental illness and substance abuse.

Today we are here to add to that long list of successes. Today we are claiming victory. Today we have an opportunity to make greater gains for our veterans and their communities by approving this significant funding plan. This bill provides \$27.2 billion in total budgetary resources for the Veterans Health Administration, a \$1.4 billion increase over last year. A \$1.4 billion increase over last year, that is not a cut, Mr. Speaker.

This package includes nearly \$16 billion for medical services, \$4 billion for medical facilities, \$408 million for veterans medical and prosthetic research. In addition, this plan makes significant investments in America's communities. There is more in this bill than what we have just discussed today. Over \$2 billion to assist low-income families in making down payments as they purchase a home, invest in their communities, and achieve the American dream; \$850 million for safe drinking water, nearly \$16 million for NASA further space exploration.

In nearly every way, this funding package builds on our past successes for our veterans and for our own communities.

Is it everything on our Christmas list? No, it is not. Is it everything that we had ever hoped to provide our veterans, their families and America's communities? Not even close. But is this progress? Yes, sir, this is progress. It is one more achievement that will encourage us to return and fight harder tomorrow, next month, and next year for more for our veterans and for our communities.

Mr. Speaker, America's veterans have served our Nation in invaluable ways. Repaying them for upholding our values of liberty and freedom seems nearly impossible, but we will continue to try. Each year we will work harder and harder to reward their sacrifices. Each year we make progress, and each year we fall short because, very honestly, freedom has no price tag. We can never repay what we owe them. But step by step, bit by bit, we can continue to make gains in honoring their service with better health care, enhance access to housing and job opportunities and more generous benefits for their loved ones, and that is what this plan does. It places us one step further in the ongoing and never-ending quest to reward those who have upheld the liberty we all enjoy. Mr. Speaker, I urge my colleagues to pass the rule and approve the underlying bill.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule provided for consideration of the VA/HUD appropriation bill with great sadness.

Sadness knowing that our veterans will not receive the health care they have earned.

Early this morning I joined my esteemed (bipartisan) colleagues on the House Veterans Affairs Committee Chairman CHRIS SMITH and

Ranking Member LANE EVANS before the Rules Committee in support of their Amendment that would have added \$1.8 billion dollars in funding for veterans health care for the 2004 budget.

This amendment was ruled out of order.

Mr. Chairman is ensuring that the VA is able to continue offering health care for all veterans currently enrolled—is that out of order?

Our veterans deserve better than this.

Many are old and frail and unable to afford any other form of health care.

Have no doubt if we pass this budget without this amendment we are handing the Department of Veterans Affairs serious challenges.

These challenges will include deciding which veterans will and will not be served.

Mr. Speaker it is time for us to put our money where our mouth is and support our veterans.

I urge a "no" vote on this rule.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to H. Res. 338, the rule providing for consideration of the Department of Veterans Affairs and Housing and Urban Development appropriations bill. I am again disappointed by the lip service being paid to veterans by the Republican leadership. This bill falls far short of giving the VA adequate resources to meet the health care needs of America's veterans. The Independent Budget authored by AMVETS, Disabled American Veterans, Paralyzed Veterans of American, and Veterans of Foreign Wars recommended \$27 billion for veterans' health care, a \$3.3 billion increase over the current level. That was the nonpartisan recommendation of America's veterans, the men and women who fought and served for our Nation.

But our veterans came under attack when the President's budget only recommended a \$1.4 billion increase to \$25.7 billion and dared to ask certain veterans to pay a fee to enroll in VA health care and pay increased copayments. The House took a step forward when it passed a budget resolution in April that provided \$27 billion in funding for VA health care, but the resolution still funded this increase by charging veterans enrollment fees and raising copayments. While, I am pleased to learn that the Appropriations Committee did not include the President's proposal to impose new fees and increase copayments, I am sorely disappointed that the Committee shortchanged veterans what was promised in the budget resolution by only providing \$25.2 billion for veterans' health care.

I am equally disappointed that the Rules Committee did not make in order an amendment offered by Veterans Affairs Committee Chairman SMITH and Ranking Member EVANS that would have increased funding for veteran's health care by an additional \$1.8 billion to match the \$27 billion in the budget resolution we passed in April. Additionally, the Rules Committee did not make in order an amendment by the gentleman from Texas (Mr. EDWARDS) to increase funding above the Appropriations Committee figure by an additional \$2.2 billion to \$27.4 billion. Veterans need these increases to insure that they are no longer turned away from their own health care system.

This debate is yet another reason for this House to consider legislation to make veterans health care funding mandatory. Our veterans deserve better than bickering over discretionary funding. They deserve a Congress

that will live up to its pledge by providing health care to all veterans, by ensuring that it is accessible, and by fully funding the VA health care system.

Mr. Speaker, I urge my colleagues to join me in voting against this rule that will again deny veterans the health care funding that they deserve. I have said many times before that veterans were promised by the Federal Government that for their service to the country they would be provided a lifetime of health care services, as well as their own health care service network. It is time for us to no longer say we will support our veterans, but to actually act to support our veterans.

Mr. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Ms. SLAUGHTER. 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 resolution are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Toomey of Pennsylvania or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield

myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 339 is a modified closed rule waiving all points of order against the consideration of H.R. 2859, the Emergency Supplemental Appropriations for Disaster Relief Act, 2003. The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule also provides for a consideration of an amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered as read, shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment. Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2859 was introduced by the chairman of the Committee on Appropriations and provides \$983.6 million in emergency supplemental funds for the Federal Emergency Management Agency for fiscal year 2003. This emergency appropriation is necessary to replenish the Disaster Relief Fund to make certain Federal resources available for the current fiscal year to meet the needs of Americans affected by tornadoes, floods, forest fires or other national disasters. The administration has informed Congress that without supplemental funds it is estimated that the Disaster Relief Fund would soon be exhausted. Additional funds are needed to respond to emergencies created by extreme weather and deadly wildfires.

Our Nation was struck by a record 562 tornadoes, Mr. Speaker, in May alone. The National Oceanic and Atmospheric Administration forecasters predict an above average season for tropical storms and for flooding, with Hurricane Claudette already striking the Gulf Coast of Texas.

The summer fire season is also fully upon the Western United States. The National Interagency Fire Center in Boise, Idaho reported yesterday that there are currently 45 large fires burning in 12 western States. Three of these fires are burning in my State of Washington. The largest of the fires in Washington State is the Farewell Creek fire burning in the arid north central portion of the State. This fire has grown so large that it could burn, Mr. Speaker, for 3 months and not be fully extinguished until the first heavy rainfall or snowfall this winter.

The emergency appropriation included in H.R. 2859 will make certain that FEMA and the Department of Homeland Security have the funding and resources needed to meet the needs of Americans affected by these torna-

does, floods, wildfires and other national disasters. H.R. 2859 was introduced by the chairman of the Committee on Appropriations to allow for prompt consideration by the House of Representatives and by the Congress. Accordingly, I encourage my colleagues to support both the rule, H. Res. 339, and the underlying bill.

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

□ 1130

Mr. MCGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I thank my friend from Washington for yielding me the customary 30 minutes.

Mr. Speaker, the Republicans have put us in quite a situation here. We all remember the great job that President Clinton and James Lee Witt did in the 1990s by remaking FEMA into the world-class disaster response agency it is today. But earlier this year, the Republicans in the House decided to play games with FEMA's funding levels. They deliberately provided inadequate resources for FEMA in order to meet their arbitrary budget cap. They knew full well that they would have to come back for more FEMA funding; and surprise, surprise, here we are.

We are here to consider a new supplemental appropriations bill that will partially fund FEMA through August and through part of the hurricane season. I am sure almost all of us will vote for this bill, because this funding is so important for FEMA and the families that they help.

But it is important that we discuss the other emergency that is looming, and that is that of AmeriCorp. As many of my colleagues probably know, AmeriCorp is woefully underfunded. Without immediate action, 20,000 AmeriCorp positions will be lost; 20,000 AmeriCorp positions will be lost.

The other body did the right thing, and they added \$100 million to AmeriCorp to their version of the supplemental. But on a near party-line vote in the House Committee on Appropriations, the Republican majority killed this funding. This must be another part of the Republican employment plan.

Mr. Speaker, the Republican majority is playing games with the lives of 20,000 AmeriCorp employees. These people are proudly serving their communities and have committed themselves to this important public service program. But without our help, they will be cast aside, at no fault of their own.

After September 11, President Bush issued a challenge to Americans to give back to their communities, right here in this Chamber. He specifically singled out AmeriCorp as one way to give back. Unfortunately, the administration's actions have not matched their rhetoric. While they have talked a good game about the importance of this program, they have done absolutely nothing, absolutely nothing, to ensure its long-term stability.

Mr. Speaker, these are real people we are talking about. I recently talked to a young woman in Worcester, Massachusetts. She was thrilled just to be accepted into the AmeriCorp program. But then she told me that her hiring depends directly on whether AmeriCorp receives the emergency funding it needs. Her life is on hold while the Republican leadership plays more games and breaks more promises.

Mr. Speaker, all of us support important funding for FEMA, but we cannot and must not turn our backs on the young people across this country who have stepped up to serve their communities. We owe it to them to do the right thing.

Mr. Speaker, at the end of this debate, I will call for a vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will provide us the opportunity to debate the Obey amendment, which will provide important AmeriCorp funding.

Mr. Speaker, this is the only way we can help AmeriCorp. Once again we must take this avenue of defeating the previous question because the Republicans on the Committee on Rules shut us out. Last night they shut us out with regard to increasing veterans funding, and, then, after that, they shut us out with regard to finding ways to help 20,000 AmeriCorp volunteers keep their jobs.

Mr. Speaker, I would urge my colleagues to join me in defeating the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I simply want to say that before this year is done, we are going to need a lot more supplemental funding than we have before us in the bill that will be brought to the floor under this rule. There is no question we are going to need money for Iraq. I personally have doubts that the money being requested for FEMA is going to be sufficient, unless we get by with virtually a storm-free summer, and I would not expect that. And as the gentleman from Massachusetts has indicated, if we do not fund AmeriCorp, we are going to have thousands of people who have offered to give their services to their communities in various capacities who are going to get laid off. It is as simple as that.

So if we want to ignore that fact, as we earlier today ignored the problem of children from families who get the earned income tax credit, if we want to follow that example and again turn our backs on them, the House has the power to do that. But it should not do that. That is why we are asking the House to vote against the previous question on the rule, so that we could amend the rule to provide for consider-

ation of funding for AmeriCorp, as well as FEMA.

Mr. Speaker, I would hope that that is what the House would do, but we shall see when the votes are counted.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Ms. SLAUGHTER), a member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time, and I rise to say that I think the supplemental appropriations bill makes an irreversible mistake by letting one of our Nation's preeminent volunteer programs die.

AmeriCorp helps thousands each year, and now it is our turn to help them. AmeriCorp members dedicated thousands of hours, providing health care, tutoring, food and public safety services to some of our neediest citizens. We must resolve the accounting crisis that put them in danger in the first place, but we need not destroy the program in the process.

At a time of record unemployment and rising poverty, it is foolish to deny our AmeriCorp volunteers the opportunity to serve. These are Americans who have not asked what their Nation can do for them; they have asked what they can do for our Nation. And the answer they are getting back is basically, nothing.

In Rochester, this funding crisis means a loss of over 100 AmeriCorp volunteers by the end of August. Each year the members much the Rochester, New York, AmeriCorp and other volunteers contribute over 150,000 hours of service to our community. Their services reach over 10,000 children and young people.

Volunteers help to revitalize communities in countless ways. They mentor youth, they build affordable housing for families, they teach computer skills to people of all ages, they clean the parks and the streams that have been polluted, and they run the after-school programs.

The value of even one AmeriCorp participant is simply staggering. A single AmeriCorp volunteer can create a reading program to help dozens, even hundreds, of students at a school. AmeriCorp has made thousands of American cities and towns safer and cleaner and better places to live.

In Buffalo, the AmeriCorp volunteers increased the capacity of 225 small community and faith-based organizations. One example is the Response to Love Center on Buffalo's east side, which was founded by Sister Johnice.

She told me when heavy snow paralyzed the city last winter, she worked with AmeriCorp volunteers packing thousands of food bags, delivering heavy packages of food to the homebound that she could never have managed on her own. "I saw AmeriCorp volunteers walk miles," she said, for a prescription for a new mother after having a baby. I looked at the workers shuffling snow for hours so the emergency vehicles could move, and I witnessed faith and love in action."

It is not only our community as a whole that benefits from AmeriCorp. In return for serving our community, the volunteer members receive an education award of up to \$4,725 to help pay for college or pay back student loans. What a cheap price we pay for all that help.

Today, more than 13,000 New York residents have qualified for those awards. Now, when the State budget crunches are hitting and we expect college tuition to rise, it is not the time to make it more difficult for people who have public service in mind to be disallowed their education benefits.

Social programs are being cut to ribbons in the United States, Mr. Speaker, as the deficits mount on all the levels of government; and we should not close AmeriCorp, which gives so much for so little.

If I might be allowed a personal note, I am so proud of my granddaughter, who graduated last year from Wake Forest, and was so pleased to be accepted into the Teach for America program. Unfortunately, as AmeriCorp dies, so does Teach for America; and that child, who was so excited about that program, waits now in some limbo again to start her future, hoping that somehow some miracle will happen and that program, which will mean so much to so many children, will be saved.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I thank my colleague for yielding me time.

I am pleased that the House is taking quick action to address the critical shortfalls facing the Director of Emergency Preparedness and Response, the entity we used to know as FEMA. In fact, I was speaking with the new Under Secretary, Mike Brown, just last night, who informed me that EPR will have to close regional offices within 2 weeks if funding is not approved. So I strongly support the approval of this money.

However, there are other important programs that will have to start closing down in August if funds are not approved immediately.

As was mentioned by the gentleman from New York, Teach for America, there are 2,700 people in this country who were signed up for Teach for America. They would be trained in August and start working in September. So obviously if we do not appropriate the money now, we appropriate the money in September, it is going to completely disrupt this program, which has been so important for helping kids in school who need special training and special help.

These young people all across this country who think that they are going

to have a contract are not going to have one because we have failed to act here in the House of Representatives. We tried to offer this amendment in committee to add \$100 million for this important program, and on a straight party-line vote it was voted down.

We certainly can do this now if we can defeat the previous question. We can add this \$100 million and take care of FEMA, take care of AmeriCorp and send the bill to the Senate. Frankly, as the ranking Democrat on the Committee on the Interior, I am worried about the money for forest fires. Again, we are not putting up the money for the forest fires either.

Now we use the old adage, well, we can borrow the money and then pay it back. But they have not paid back the money from the last year that they have borrowed. I was pleased that the administration requested, I think, \$289 million, maybe it was \$320 when you add BLM and Forest Service together; but that money is not in here.

I just had a conversation with the distinguished chairman in the other body on the interior appropriations, and he is very concerned about the fact that we do not have the forest fire money in here as well.

So I understand that the problem with FEMA is very urgent, but these other issues are also important. So I wish we could do a broader supplemental and deal with them. I hope that the gentleman from Wisconsin (Mr. OBEY) is going to have an amendment that will deal with the problem of AmeriCorp. I just hate to see, if we are going to solve this thing in September anyway, why screw up the entire program and not get it done now when we have an opportunity to.

There are 224 Members of the House who have signed a letter, a majority, Democrats and Republicans, in favor of adding the \$100 million. I am told the President now has changed his mind and he is in favor of it. So if everybody wants to do it, why not do it?

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. Speaker, I rise in strong support of defeating the previous question so we will have an opportunity to properly fund AmeriCorp. AmeriCorp is desperately in need of \$100 million to make sure we do not provide the kinds of cuts that can be devastating, not only to the AmeriCorp volunteers, but to our communities.

In my own State of California, we are talking about cuts if this funding is not realized of some 64 percent. That means some 2,000 service members in AmeriCorp, young people volunteering, will not be eligible to have their positions continued.

This is not just about them; it is about the work they do in our communities, in after-school programs, building affordable housing, to help the

communities respond to disaster, and helping to train a new core of teachers. Those are the services they provide. That is the multiplier that they provide.

Many of us have witnessed AmeriCorp workers at work. We spend time with them at social occasions and you start to appreciate their infectious enthusiasm and their desire to help their country and help our communities and help young people and older people. They provide a huge amount of services. And yet because of a squabble, because of a mistake by the executives in the corporation, we are now going to hold these young people liable. We are going to decimate this program.

□ 1145

And we do that in light of the fact that the President of the United States asked us to increase AmeriCorps from between 50,000 to 75,000 new volunteers, recognizing the spirit and the contribution that AmeriCorps makes to our communities and to our Nation. But now, what we find out is that this supplemental, if we do not defeat the previous question, will provide for 28,000 positions. That is an anemic form of AmeriCorps in a country that has so many needs and has the ability to attract the best of these young people with their talents, with their education, and with their desire to help our communities.

So I would urge my colleagues to vote against the previous question so that we can open up this supplemental to provide for the funding for AmeriCorps that is so urgently needed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, whether one supports AmeriCorps or not, recently they got over \$60 million. Now they want another \$100 million. Just do the math; 50,000 AmeriCorps, what they call volunteers, take 50,000 into \$162 million. They are making over \$30,000 each per volunteer, if you take the cost of it.

Now, the individuals do not do that, but that is the cost of the program per person that is in there. We do not need this.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am disappointed that this bill does not include funding for AmeriCorps. AmeriCorps is about fortifying our democracy, energizing and unlocking the potential of young people, and improving our communities. AmeriCorps has given a quarter million Americans the opportunity to serve millions of their fellow citizens in countless ways, fighting poverty, tutoring and mentoring neglected youngsters, cleaning up the environment, and providing long-term care to the elderly, to name a few. It is the premier national service program of the United States.

Critical vital services in our communities would not be the same without the efforts of the dedicated young volunteers whose energy, compassion, and commitment touch people's lives every single day.

The Corporation for National Community Services, yes, has had management problems. They have been identified. They are being addressed by the managers and administrators, and it is vital that we remain vigilant that these reforms continue.

In doing so, we should not punish the communities, the thousands of young volunteers. Why do we want to dampen their enthusiasm and their spirit? Why do we want to hurt those people who rely on their services, simply because top administrators failed to do their jobs? And without funding, more than 20,000 AmeriCorps volunteers will lose their positions. Counselors at the LEAP program in my hometown of New Haven, Connecticut provides mentoring and service opportunities for area kids. It shows 1,300 children across Connecticut with over 350 college and high school students lending their time.

One hundred percent of LEAP's junior counselors graduate from public high schools, and 80 percent go on to college. If we lose that sense of community spirit, shared responsibility, and shared purpose of our young people, in addition to the services they provide to millions of Americans, everybody in this country loses.

Mr. Speaker, 228 Members of Congress and 43 Governors have written to the President of the United States asking for his support. The President says that he supports AmeriCorps and the idea of public service and national service. Keep this program alive. Let us defeat the previous question, and make sure we provide this opportunity for our youngsters.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I simply want the record to reflect that it is not correct that AmeriCorps volunteers make \$30,000. They have a small stipend to pay for their living expenses and \$5,000 on their college loans. That is it. It is a bargain.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for setting the record straight.

Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Speaker, I offered an amendment in today's bill that would ban using funds in the supplemental to support FEMA's Congressional and Intergovernmental Affairs Office in Washington, D.C. The amendments were born out of my frustration in dealing with FEMA which, up to now, had an excellent working relationship with my office and many other congressional offices.

The problems relate to the very serious floodings in part of my district in May of this year. More than \$100 million in damage resulted from floods. FEMA's recommended denial of Michigan Governor Granholm's request for a Federal major disaster declaration that would permit Federal aid to the hard-pressed local governments, businesses, and individuals affected.

My district is rural, mostly low income, and these 4 counties just cannot bear this kind of financial hardship and economic burden without our help.

My frustration with FEMA is not with the men and women who actually do the work for the agency in the Region 5 office. In fact, FEMA responded with impressive speed immediately after the disaster to put people on the ground and to investigate, even before a formal disaster request was made. My frustration is the runaround I received from the Washington office since the decision in June not to declare a major disaster.

For the first time in my 11 years in Congress, I was forced to file a Freedom of Information request to receive the factual information I needed to represent my constituents. When I asked for the reasons for their decisions and the copies of correspondence related to the decision process, FEMA refused to give me this basic information. In fact, they refused to even voluntarily tell me whether the decision to deny disaster relief was made in FEMA in Chicago, or FEMA at headquarters here in Washington.

FEMA headquarters even refused to have a meeting with me, our two State U.S. Senators, the Governor's representative, and the Under Secretary responsible for emergency aid to discuss this issue.

In order to properly appeal the decision, the Governor's office should have had the information they needed and any documentation we needed to make the appeal. Congressional liaison offices are there to facilitate the needs of Members' offices, not throw up roadblocks.

I realize my amendment was not made in order, but I wanted to bring to the attention of the House this situation. There is no reason for not giving me the information I need to respond to my constituents when they ask me whether the refusal for disaster aid is political. There is no reason to refuse to have a meeting with top-level FEMA officials, a Member of Congress, two U.S. Senators, and representatives from the Governor's office.

I hope that speaking out on the floor will make our point, and I am here to do so.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to address the gentlewoman from New York (Ms. SLAUGHTER). My friend, and she is my friend; she is a valued Member, she is a close friend.

But I want to tell the gentlewoman, I never said AmeriCorps volunteers got \$30,000. As a matter of fact, I said they do not individually get that amount.

But my colleagues, we want to increase AmeriCorps \$100 million. Look at the money we have already put in AmeriCorps last year, I think \$260 million. If we look at this, to me a volunteer at a church, they get coffee and doughnuts. If we take all of the hundreds of millions of dollars that we put into AmeriCorps each year and want to put another \$100 million in this year, if you take 50,000 workers into that, that is over \$30,000 per person cost. Now, a lot of that goes into administration. But when we define volunteer, let us make sure that volunteer is volunteer, not paid worker. That was my point.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say to my friend that there are 42 Governors of both parties who have asked us to take this action, so I think they must feel that the investment is well worth the cost. I think that most mayors around the country receive the services these volunteers would also approve.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I did not say the program was not supported, to the gentleman, my friend. But I would say that be careful when we talk about volunteer, because the cost of this is very high per person.

Mr. OBEY. Well, they are still volunteers. They have not been drafted.

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

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, today we are considering a stripped-down supplemental appropriations bill that contains funding for FEMA disaster relief.

As a representative from a State that benefits from this funding, I have no problem with including FEMA funding in an emergency supplemental, but I do have a problem with what is omitted from this bill.

I am concerned about what we are failing to do for AmeriCorps and all of the faith-based and community-based groups who depend on AmeriCorps participants.

The Senate supplemental appropriations bill which was completed 2 weeks ago contains \$100 million for AmeriCorps, the amount needed to sustain 50,000 AmeriCorps participants this year. This funding has strong bipartisan support, in the Senate if not in the House. It was sustained on a 71-21 vote in the other body. Without this funding, AmeriCorps will see its numbers reduced by something like 40 percent, a drastic reduction to around 30,000 participants.

Why has it taken so long for the House to act? The Committee on Appropriations did not even consider the supplemental until this past Monday, with no intention of actually bringing it to the floor. And where has the President been? The President spoke in this Chamber, urging us to increase AmeriCorps enrollment to 75,000 participants. But, up to now, he has hardly lifted a finger to maintain even the current enrollment of 50,000 participants.

Now we have a bill before us, at the last minute, just before the House recesses for 5 weeks, leaving the Senate with the option of either passing our version or passing nothing until at least September. And our version, the House version, omits AmeriCorps. It was defeated on a party-line vote in the Committee on Appropriations this week. Our only resource now is to defeat the previous question and add the \$100 million to the bill on the House floor today.

Failing to provide this funding will deny hundreds of faith-based and community-based organizations around the country the AmeriCorps positions they depend on. We are talking about groups like Habitat for Humanity, Teach for America, hundreds of home-grown programs in the districts of everyone here that make a difference every day.

A letter was sent Monday to the House leadership from 43 of our Governors, Republicans and Democrats alike, in support of this AmeriCorps funding, and it articulates very well what is at stake.

I will close by quoting from this letter: "Without an emergency appropriation," the Governors say, "the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs which do not have the resources to sustain a significant budget cut, even if only for 1 year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next."

These faith-based and community-based groups, who are doing good works in our communities with just a little help from their Federal Government, depend on AmeriCorps participants, and right now they are depending on us to come through for them. September will be too late. Fiscal year 04 will be too late. Let us include the AmeriCorps emergency funding in this supplemental appropriation. Vote against the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as a fiscal conservative, I believe national service is one of the most productive and cost-effective investments our government

can make. Through service, Americans of all ages gain a sense of commitment to their community and their country, which will prove invaluable for the rest of their lives.

National service benefits both the recipient and the giver. Volunteers not only address an immediate need, they lead and teach through example, and through that example, they learn the value of serving and helping others. We need to harness the energy and commitment of those anxious to contribute to their country, not deny them the opportunity to serve.

As an eighth grader, I vividly remember President John Kennedy's call to service when he created the Peace Corps in 1961. He said, "Life in the Peace Corps will not be easy, but if the life is not easy, it will be rich and satisfying."

As a former Peace Corps volunteer, and I want to emphasize I had the name "volunteer," I can attest to the positive effect the Peace Corps has on the lives of people around the world.

□ 1200

Peace Corps volunteers are not high-paid consultants. Just like AmeriCorps volunteers, they are hands-on workers in the trenches who live in the communities they serve. Just like the Peace Corps, the challenges are great for those working in domestic service programs, but the rewards are immeasurable. I believe I would not be a Member of Congress today were it not for my experience in the Peace Corps. And I particularly believe I am a better person because of this service. I think the same thing applies to those who serve in AmeriCorps.

Both Democrats and Republicans should speak loudly and passionately in support of all service programs. And we must not stop until citizen service truly becomes a universal opportunity and a common expectation. I want to say parenthetically, in most cases, AmeriCorps volunteers in my communities are young men and women who have no resources whatsoever to serve their community or their country if it were not for AmeriCorps.

As most of you know, AmeriCorps—the most recognizable domestic service program—is experiencing significant challenges this year, and there is danger that countless programs across the country will receive little or no funding. Without question, there have been mistakes and mismanagements by the Corporation for National and Community Service. This summer, however, a series of steps have been taken to help put AmeriCorps on a sound financial footing. Earlier this month, we passed, and the President signed, the Strengthening AmeriCorps Program Act to correct the financial accounting problems. Additionally, the President has named David Eisner, AOL/Time Warner executive, as his nominee to head the Corporation. With these reforms in place, we ought to fulfill our commitment to the thousands of young people who

have answered the President's call to service. I believe we must do that, but not in this legislation.

We are in a war against terrorism, and national service is a vital part of winning that war. AmeriCorps and other service programs are the right prescription during these times because the best antidote to terror and hate in society are acts of kindness and service. If we are truly to expand service opportunities, we must find a way to work with those who see national service so differently.

Recently, I read an op-ed by former Majority Leader Dick Army stating that programs like AmeriCorps robs the American taxpayer. I could not disagree more, but I know this notion is shared by too many of my colleagues. As a Peace Corps volunteer, I was paid a minimum wage to live, and I was given a small stipend. I have failed to understand why some of my colleagues would object to people earning a degree while serving their community. Isn't that preferable to just being given a grant. I do not understand why we would not be eager and thrilled to have more people participate in community service, particularly those with the least amount of resources.

The current accounting problems at the Corporation offer an opportunity to work together and ensure all service programs are transparent and accountable.

I believe that has to happen, but not in the vehicle we see here today. We need to reauthorize national service. We need to find a way to prevent further mistakes and mismanagement. It will not happen on this legislation. It needs to happen with men and women in this Congress working together. And I believe that there are commitments on both sides of the aisle and in the White House to do that.

The current accounting problems of the Corporation offer an opportunity to work together and in doing so, we will remember that a life of service connects us to generations of Americans who we will never know but whose service and sacrifice enable us to live in freedom. It also connects us to future generations of Americans who will inherit a world be built on the legacy of service we leave them.

Increasing and expanding opportunities to serve will not be easy, but in the words of President Kennedy, the effort will be "rich and satisfying." I hope this Chamber will reauthorize national service. I hope we will find the funds necessary to make sure this program continues unabated, and I believe we will.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFazio).

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

As I speak here on the floor, there are fires burning across the West, a major fire in my own district, and others elsewhere. The President asked for an additional \$280 million to fight

these fires because the Forest Service has already spent 84 percent of the inadequate budget for this year, 16 percent left; and the years fires have hardly begun. Last year we spent \$1.6 billion.

Now, the majority here wants to pretend that we can do this all on the cheap. We do not need money to fight fires. We do not need money to prevent fires. They have jammed through a so-called Healthy Forest Bill after stripping out the money we proposed last fall in a bipartisan way to fund fuel reduction efforts. You cannot do that for nothing, but they want to pretend you can; and now they want to pretend that you can fight fires for nothing.

There is not an additional penny in this bill for the fire emergency in the western U.S. So you know what the Forest Service is going to do? They are going to borrow money. You know where they are going to borrow the money? They are going to borrow money from the already underfunded fuel reduction programs. Guess what? We have created a little endless cycle here. We are going to pretend we are doing something about fuel reduction in healthy forests, but we are not really going to do it. But it is a great political issue.

In fact, the little bit that we are already doing, we are going to rob it to fight this year's fires. The Forest Service is already preparing those cuts. That means this year's fuel reduction program will not go forward because the majority here will not even meet the President's meager request to help fight the fires that are burning today in the western United States.

Come on, you can find the money for everything else around here, tax cuts, for all sorts of other things; but somehow we get fires burning, we cannot find the money to fight the fires. And what is worse, we are going to create worse fires in the future because you are going to borrow that money and stop those programs in their tracks. It is a sad day for the United States Congress.

Mr. MCGOVERN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 19½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, I rise today in opposition to this rule and urge my colleagues to defeat the previous question so that the gentleman from Wisconsin (Mr. OBEY) may offer his amendment to add \$100 million for the AmeriCorps program.

The deep cuts this AmeriCorps program is facing will severely undermine the progress we have made in expanding opportunities for national service.

program. These programs all over the country have already run out of money. Many of them will not recover.

In my own home State of Texas, we will lose at least 800 teaching volunteers, many who have committed to teach children in the Rio Grande Valley. We have an acute shortage of teachers, and we cannot afford the loss.

The Senate has stepped up and signaled its commitment to these programs, but the House has dragged its feet on restoring the funds for this critical program.

The AmeriCorps program has come to embody what is best in America, the desire to make a difference in local communities. All of this will be jeopardized if we do not find a way to provide the funding for our young teachers; men and women are only receiving a small stipend to help them pay their living expenses. Yes, our children throughout the country benefit from these AmeriCorps teachers.

Vote "no" to defeat the previous question so we can keep the spirit of service alive in America. Fight to restore the \$100 million needed to keep the AmeriCorps program alive and working well. Do that today.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentleman from Washington (Mr. HASTINGS) how many more speakers he has.

Mr. HASTINGS of Washington. I am prepared to yield back after we go through the amendment process.

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

Mr. Speaker, I will insert in the RECORD the letter that was sent to us by 43 Governors, including Governor George Pataki and Governor Jeb Bush, in support of funding for AmeriCorps. I would only say to my colleagues, if Members do not want to listen to President Bush, maybe you might listen to his brother and provide the funding that all these Governors are asking for.

The letter is as follows:

JULY 21, 2003.

PRESIDENT GEORGE W. BUSH,  
The White House,  
Washington, DC.

DEAR PRESIDENT BUSH: As strong supporters of America's, national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

Your leadership on national service has helped to boost our nation's civic spirit and we appreciate that, in your 2004 budget request, you proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since your 2002 State of the Union Address, when you called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their commu-

nities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

Unfortunately, on June 16th the Corporation for National and Community Service announced dramatic and unprecedented cuts of approximately 50 to 90 percent to our states' AmeriCorps programs and corps member slots. We are very pleased that, following this announcement and under the leadership of Senators Bond and Mikulski, Congress acted quickly to pass the Strengthen AmeriCorps Act, which will alleviate some of this devastation and correct the Corporation's management of the National Service Trust. This legislation is an important first step towards assuring fiscal accountability, increasing the enrollment of AmeriCorps members, and ensuring the program's long-term health.

We recognize that prior "fixes" to the Trust have helped put full AmeriCorps staffing for this year in jeopardy. It is truly a shame that mismanagement might prevent willing individuals from serving their communities through AmeriCorps. To avoid such a situation, we hope that you will consider approving an appropriation of up to \$200M for AmeriCorps as part of the FY03 supplemental spending bill currently being debated by Congress. Without an emergency appropriation, the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs, which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards for thousands of citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Perdue, Georgia; Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Granholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island;

Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Gov. Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

JULY 21, 2003.

Hon. BILL FRIST,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. THOMAS A. DASCHLE,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. J. DENNIS HASTERT,  
Speaker, U.S. House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, U.S. House of Representatives,  
Washington, DC.

DEAR MAJORITY LEADER FRIST, MINORITY LEADER DASCHLE, SPEAKER HASTERT, AND MINORITY LEADER PELOSI: As strong supporters of America's national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

President Bush's leadership on national service has helped to boost our nation's civic spirit and we appreciate that, in his 2004 budget request, he proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since the President's 2002 State of the Union Address, when he called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their communities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

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We recognize that prior "fixes" to the Trust have helped put full AmeriCorps staffing for this year in jeopardy. It is truly a shame that mismanagement might prevent willing individuals from serving their communities through AmeriCorps. To avoid such a situation, we hope that you will consider an appropriation of up to \$200 million for AmeriCorps as part of the FY03 supplemental spending bill recently sent to Congress by the President. Without an emergency appropriation, the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs,

which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards for thousands of our citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership, we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Perdue, Georgia; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Granholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island; Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

Mr. Speaker, if anyone has ever doubted the importance of the parliamentary vote known as the previous question, Mr. Speaker, today should lay those doubts to rest. If a majority of this House votes "no" on the previous question, I will amend the rule to allow us to pass the Obey amendment to provide the financially strapped AmeriCorps program with the \$100 million it desperately needs. But if Republican leaders win the previous question vote, up to 20,000 volunteers may lose their positions serving their fellow Americans.

Since September 11, President Bush has spoken eloquently about the value of national service. On many occasions he has praised AmeriCorps' excellent work and its hard-working, dedicated volunteers. But all the rhetoric in the world cannot make up for the fact that AmeriCorps faces severe budgetary problems this year. It will have to eliminate as many as 20,000 of those volunteers if Congress does not act immediately.

No, Mr. Speaker, political rhetoric will not solve this problem. It is going to take some money. And since so many House Republicans were so happy to spend so much money on tax breaks for millionaires, they should have no problem spending a fraction, a tiny fraction of that on national service.

Now, to those of my colleagues who are asking why we cannot vote on AmeriCorps funding today, what is the big deal, the answer is quite simply and typically that the Committee on Rules Republicans used a party-line vote last night to block the money that AmeriCorps needs. That is why we have to defeat the previous question today.

Voting "no" on that important parliamentary question is the only way to provide AmeriCorps with the immediate funding it needs to ensure volunteers can continue helping others in cities and towns all across this Nation. So I urge Republican Members to put their money where their mouths are. To be very clear, you will not stop this emergency spending billing if you vote "no." But if you vote "yes," you will prevent as many as 20,000 dedicated volunteers from getting the help they need to keep serving their fellow Americans, and you will betray the commitment to national service that President Bush claims to believe in.

Again, I urge my colleagues to support national service by voting "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Washington:

At the end of the resolution add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed in the Congressional Record pursuant to clause 8 of rule XVIII.

SEC. 3. The amendment referred to in section 2 is as follows:

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

SEC. \_\_\_\_\_. (a) There is hereby rescinded a total of \$983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

Mr. HASTINGS of Washington. Mr. Speaker, this is an important piece of legislation. I urge my colleagues to support the previous question and the rule.

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

PREVIOUS QUESTION FOR H. RES. 339—RULE ON H.R. 2859 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT FOR FISCAL YEAR 2003

In the resolution strike "and (3)" and insert the following:

"(3) a further amendment printed in Sec. 2 of this resolution if offered by Representative Obey or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)"

SEC. 2.

The amendment referred to in section 2 is as follows:

At the end of the bill, add the following paragraph:

#### CHAPTER 6

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

For an additional amount for "Corporation for National and Community Service, National and Community Service Programs Operating Expenses", for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), \$100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended: Provided further, That the first proviso under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in Public Law 108-7 shall apply only to positions originally approved subsequent to March 10, 2003: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the Corporation and the grantees that administer activities under the AmeriCorps programs and shall de-fund any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous

question on the amendment and on the resolution.

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

Mr. MCGOVERN. 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 motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

Ordering the motion to instruct by the gentlewoman from California (Ms. SOLIS); ordering the previous question, and, if ordered, on amending and adopting House Resolution 339; adopting the motion to instruct by the gentleman from New York (Mr. BISHOP); and adopting House Resolution 338.

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

□ 1215

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

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 gentlewoman from California (Ms. SOLIS), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 216, not voting 13, as follows:

[Roll No. 447]

YEAS—206

Abercrombie	Cardin	Doggett
Ackerman	Cardoza	Dooley (CA)
Alexander	Carson (IN)	Doyle
Allen	Carson (OK)	Edwards
Andrews	Case	Ehlers
Baca	Castle	Emanuel
Baird	Clay	Engel
Baldwin	Clyburn	Eshoo
Ballance	Conyers	Etheridge
Becerra	Cooper	Evans
Bell	Costello	Farr
Berkley	Cramer	Fattah
Berman	Crowley	Filner
Berry	Davis (AL)	Ford
Bishop (GA)	Davis (CA)	Frank (MA)
Bishop (NY)	Davis (FL)	Frost
Blumenauer	Davis (IL)	Gonzalez
Boswell	Davis (TN)	Gordon
Boucher	DeFazio	Grijalva
Boyd	DeGette	Gutierrez
Brady (PA)	DeLahunt	Culberson
Brown (OH)	DeLauro	Cunningham
Brown, Corrine	Deutsch	Davis, Jo Ann
Capps	Dicks	Davis, Tom
Capuano	Dingell	Deal (GA)
		DeLay

Hinojosa	McCarthy (NY)	Sanchez, Linda	Pickering	Saxton	Thomas
Hoeffel	McCollum	T.	Pitts	Schrock	Thornberry
Holden	McDermott	Sanchez, Loretta	Platts	Sensenbrenner	Tiahrt
Holt	McGovern	Sanders	Pombo	Sessions	Tiberi
Honda	McIntyre	Sandlin	Porter	Shadegg	Toomey
Hooey (OR)	McNulty	Schakowsky	Portman	Shaw	Turner (OH)
Hoyer	Meenan	Schiff	Pryce (OH)	Shays	Vitter
Inslee	MEEK (FL)	Scott (GA)	Putnam	Sherwood	Walden (OR)
Israel	MEEKS (NY)	Scott (VA)	Radanovich	Shimkus	Walsh
Jackson (IL)	Menendez	Serrano	Ramstad	Shuster	Wamp
Jackson-Lee (TX)	Michaud	Sherman	Regula	Simmons	Weldon (FL)
Jefferson	Millender-	Skelton	Rehberg	Simpson	Weldon (PA)
John	McDonald	Slaughter	Renzi	Smith (NJ)	Weller
Johnson, E. B.	Miller (NC)	Smith (WA)	Reynolds	Smith (TX)	Whitfield
Jones (OH)	Miller, George	Snyder	Rogers (AL)	Souder	Wicker
Kanjorski	Mollohan	Solis	Rogers (KY)	Stearns	Wilson (NM)
Kaptur	Moore	Spratt	Rogers (MI)	Sweeney	Wilson (SC)
Kennedy (RI)	Moran (VA)	Stark	Rohrabacher	Tancredo	Wolf
Kildee	Murtha	Stenholm	Ros-Lehtinen	Tauzin	Young (FL)
Kilpatrick	Nadler	Strickland	Ryan (WI)	Taylor (NC)	
Kind	Napolitano	Stupak	Ryun (KS)	Terry	
Kleczka	Neal (MA)	Tanner			
Kucinich	Obey	Tauscher			
Lampson	Olver	Taylor (MS)			
Langevin	Ortiz	Thompson (CA)			
Lantos	Owens	Thompson (MS)			
Larsen (WA)	Pallone	Tierney			
Larson (CT)	Pascrell	Towns			
Leach	Pastor	Turner (TX)			
Lee	Payne	Udall (CO)			
Levin	Pelosi	Udall (NM)			
Lewis (GA)	Peterson (MN)	Upton			
Lipinski	Pomeroy	Van Hollen			
Lofgren	Price (NC)	Velazquez			
Lowe	Rahall	Visclosky			
Lucas (KY)	Rangel	Waters			
Lynch	Reyes	Watson			
Majette	Rodriguez	Watt			
Maloney	Ross	Waxman			
Markey	Rothman	Weiner			
Marshall	Roybal-Allard	Wexler			
Matheson	Ruppersberger	Woolsey			
Matsui	Rush	Wu			
McCarthy (MO)	Ryan (OH)	Wynn			
	Sabo				

NAYS—216

Aderholt	DeMint	Johnson (CT)
Akin	Diaz-Balart, L.	Johnson (IL)
Bachus	Diaz-Balart, M.	Johnson, Sam
Baker	Dreier	Jones (NC)
Ballenger	Duncan	Keller
Barrett (SC)	Dunn	Kelly
Bartlett (MD)	Emerson	Kennedy (MN)
Barton (TX)	English	King (IA)
Bass	Everett	King (NY)
Beauprez	Feeney	Kingston
Bereuter	Ferguson	Kirk
Biggett	Flake	Kline
Bilirakis	Fletcher	Knollenberg
Bishop (UT)	Foley	Kolbe
Blackburn	Forbes	LaHood
Blunt	Fossella	Latham
Boehlert	Franks (AZ)	LaTourette
Boehner	Frelinghuysen	Lewis (CA)
Bonilla	Gallegly	Lewis (KY)
Bonner	Garrett (NJ)	Linder
Bono	Gerlach	LoBiondo
Boozman	Gibbons	Lucas (OK)
Bradley (NH)	Gilchrest	Manzullo
Brady (TX)	Gillmor	McCotter
Brown (SC)	Gingrey	McCrery
Brown-Waite,	Goode	McHugh
Ginny	Goodlatte	McInnis
Burgess	Goss	McKeon
Burns	Granger	Mica
Burr	Graves	Miller (FL)
Burton (IN)	Green (WI)	Miller (MI)
Buyer	Greenwood	Miller, Gary
Calvert	Harris	Moran (KS)
Camp	Hart	Murphy
Cannon	Hastert	Musgrave
Cantor	Hastings (WA)	Myrick
Capito	Hayes	Nethercutt
Carter	Hayworth	Neugebauer
Chabot	Hefley	Ney
Chocola	Hensarling	Northup
Coble	Hergert	Norwood
Cole	Hobson	Nunes
Collins	Hoekstra	Nussle
Crane	Hostettler	Osborne
Crenshaw	Houghton	Ose
Cubin	Hulshof	Otter
Culberson	Hyde	Oxley
Cunningham	Isakson	Paul
Davis, Jo Ann	Issa	Pearce
Davis, Tom	Istook	Pence
Deal (GA)	Janklow	Peterson (PA)
DeLay	Jenkins	Petri

Pickering	Saxton	Thomas
Pitts	Schrock	Thornberry
Platts	Sensenbrenner	Tiahrt
Pombo	Sessions	Tiberi
Porter	Shadegg	Toomey
Portman	Shaw	Turner (OH)
Pryce (OH)	Shays	Vitter
Putnam	Sherwood	Walden (OR)
Radanovich	Shimkus	Walsh
Ramstad	Shuster	Wamp
Regula	Simmons	Weldon (FL)
Rehberg	Simpson	Weldon (PA)
Renzi	Smith (NJ)	Weller
Reynolds	Smith (TX)	Whitfield
Rogers (AL)	Souder	Wicker
Rogers (KY)	Stearns	Wilson (NM)
Rogers (MI)	Sweeney	Wilson (SC)
Rohrabacher	Tancredo	Wolf
Ros-Lehtinen	Tauzin	Young (FL)
Ryan (WI)	Taylor (NC)	
Ryun (KS)	Terry	

NOT VOTING—13

Cox	Gutknecht	Smith (MI)
Cummings	Hunter	Sullivan
Doolittle	Oberstar	Young (AK)
Gephardt	Quinn	
Green (TX)	Royce	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1233

Mr. MILLER of Florida changed his vote from "yea" to "nay."

Mr. LYNCH and Mr. DOYLE changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment and on House Resolution 339 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 200, not voting 15, as follows:

[Roll No. 448]

YEAS—219

Aderholt	Bradley (NH)	Cox
Akin	Brady (TX)	Crane
Bachus	Brown (SC)	Crenshaw
Baker	Brown-Waite,	Cubin
Ballenger	Ginny	Culberson
Barrett (SC)	Burgess	Cunningham
Bartlett (MD)	Burns	Davis, Jo Ann
Barton (TX)	Burr	Davis, Tom
Bass	Buyer	Deal (GA)
Beauprez	Calvert	DeLay
Bereuter	Camp	DeMint
Biggett	Cannon	Diaz-Balart, L.
Bilirakis	Cantor	Diaz-Balart, M.
Bishop (UT)	Capito	Doolittle
Blunt	Carter	Dreier
Boehlert	Castle	Duncan
Boehner	Chabot	Dunn
Bonilla	Chocola	Ehlers
Bonner	Coble	Emerson
Bono	Cole	English
Boozman	Collins	Everett

Feeney Kirk  
 Ferguson Kline  
 Flake Knollenberg  
 Fletcher Kolbe  
 Foley LaHood  
 Forbes Latham  
 Fossella LaTourette  
 Franks (AZ) Leach  
 Frelinghuysen Lewis (CA)  
 Gallegly Lewis (KY)  
 Garrett (NJ) Linder  
 Gerlach LoBiondo  
 Gibbons Lucas (OK)  
 Gilchrest Manzullo  
 Gillmor McCotter  
 Gingrey McCrery  
 Goode McHugh  
 Goodlatte McClinnis  
 Goss Mica  
 Granger Miller (FL)  
 Graves Miller (MI)  
 Green (WI) Miller, Gary  
 Greenwood Moran (KS)  
 Gutknecht Murphy  
 Harris Musgrave  
 Hart Myrick  
 Hastings (WA) Nethercutt  
 Hayes Neugebauer  
 Hayworth Ney  
 Hefley Northup  
 Hensarling Norwood  
 Herger Nunes  
 Hobson Nussle  
 Hoekstra Osborne  
 Hostettler Ose  
 Houghton Otter  
 Hulshof Oxley  
 Hunter Paul  
 Hyde Pearce  
 Isakson Pence  
 Issa Peterson (PA)  
 Istook Petri  
 Janklow Pickering  
 Jenkins Pitts  
 Johnson (CT) Platts  
 Johnson (IL) Pombo  
 Johnson, Sam Porter  
 Jones (NC) Portman  
 Keller Pryce (OH)  
 Kennedy (MN) Putnam  
 King (IA) Radanovich  
 King (NY) Ramstad  
 Kingston Regula

**NAYS—200**

Abercrombie Delahunt  
 Ackerman DeLauro  
 Alexander Deutsch  
 Allen Dicks  
 Andrews Dingell  
 Baca Doggett  
 Baird Dooley (CA)  
 Baldwin Doyle  
 Ballance Edwards  
 Becerra Emanuel  
 Bell Engel  
 Berkley Eshoo  
 Berman Etheridge  
 Berry Evans  
 Bishop (GA) Farr  
 Bishop (NY) Fattah  
 Blumenauer Filner  
 Boswell Ford  
 Boucher Frank (MA)  
 Boyd Frost  
 Brady (PA) Gonzalez  
 Brown, Corrine Gordon  
 Capps Grijalva  
 Capuano Gutierrez  
 Cardin Hall  
 Cardoza Harman  
 Carson (IN) Hastings (FL)  
 Carson (OK) Hill  
 Case Hinchey  
 Clay Hinojosa  
 Clyburn Hoeffel  
 Conyers Holden  
 Cooper Holt  
 Costello Hooley (OR)  
 Cramer Hoyer  
 Crowley Insee  
 Cummings Israel  
 Davis (AL) Jackson (IL)  
 Davis (CA) Jackson-Lee  
 Davis (FL) (TX)  
 Davis (IL) Jefferson  
 Davis (TN) John  
 DeFazio Johnson, E. B.  
 DeGette Jones (OH)

Rehberg  
 Renzi  
 Reynolds  
 Rogers (AL)  
 Rogers (KY)  
 Rohrabacher  
 Ros-Lehtinen  
 Royce  
 Ryan (WI)  
 Ryun (KS)  
 Saxton  
 Schrock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Souder  
 Stearns  
 Sweeney  
 Tancredo  
 Tauzin  
 Taylor (NC)  
 Terry  
 Thomas  
 Thornberry  
 Tiahrt  
 Tiberi  
 Toomey  
 Turner (OH)  
 Upton  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Weldon (FL)  
 Weldon (PA)  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Young (FL)

**NOT VOTING—15**

Blackburn  
 Brown (OH)  
 Burton (IN)  
 Gephardt  
 Green (TX)  
 Honda  
 Kelly  
 McKeon  
 Oberstar  
 Quinn  
 Rogers (MI)  
 Serrano  
 Sullivan  
 Weller  
 Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1241

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to. The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

**MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on H.R. 1308 offered by the gentleman from New York (Mr. BISHOP) on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 202, nays 221, not voting 12, as follows:

[Roll No. 449]  
**AYES—202**

Abercrombie  
 Ackerman  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Baird  
 Baldwin  
 Ballance

Becerra  
 Bell  
 Berkley  
 Berman  
 Berry  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boswell

Boucher  
 Boyd  
 Brady (PA)  
 Brown (OH)  
 Brown, Corrine  
 Capps  
 Capuano  
 Cardin  
 Cardoza

Carson (IN)  
 Carson (OK)  
 Case  
 Castle  
 Clay  
 Clyburn  
 Cooper  
 Costello  
 Cramer  
 Crowley  
 Cummings  
 Davis (AL)  
 Davis (CA)  
 Davis (FL)  
 Davis (IL)  
 Davis (TN)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Deutsch  
 Dicks  
 Dingell  
 Doggett  
 Dooley (CA)  
 Doyle  
 Edwards  
 Ehlers  
 Engel  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Filner  
 Ford  
 Frank (MA)  
 Frost  
 Gonzalez  
 Gordon  
 Grijalva  
 Gutierrez  
 Hall  
 Harman  
 Hastings (FL)  
 Hill  
 Hinchey  
 Hinojosa  
 Hoeffel  
 Holden  
 Holt  
 Honda  
 Hooley (OR)  
 Hoyer  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 John

Johnson, E. B.  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 Kleczka  
 Kucinich  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Leach  
 Lee  
 Levin  
 Lewis (GA)  
 Lipinski  
 Lofgren  
 Lowey  
 Lucas (KY)  
 Lynch  
 Majette  
 Markey  
 Marshall  
 Matheson  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McNulty  
 Meehan  
 Meek (FL)  
 Meeks (NY)  
 Menendez  
 Michaud  
 Millender  
 McDonald  
 Miller (NC)  
 Miller, George  
 Mollohan  
 Moore  
 Moran (VA)  
 Murtha  
 Nadler  
 Napolitano  
 Neal (MA)  
 Obey  
 Olver  
 Ortiz  
 Owens  
 Pallone  
 Pascrell  
 Pastor  
 Payne

**NOES—221**

Aderholt  
 Akin  
 Bachus  
 Baker  
 Ballenger  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Beauprez  
 Bereuter  
 Biggert  
 Bilirakis  
 Bishop (UT)  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Bradley (NH)  
 Brady (TX)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Cannon  
 Cantor  
 Capito  
 Carter

Chabot  
 Chocola  
 Coble  
 Cole  
 Collins  
 Cox  
 Crane  
 Crenshaw  
 Cubin  
 Culberson  
 Cunningham  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeLay  
 DeMint  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Doolittle  
 Dreier  
 Duncan  
 Dunn  
 Emerson  
 English  
 Everrett  
 Feeney  
 Ferguson  
 Flake  
 Fletcher  
 Foley  
 Forbes  
 Fossella  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach

Pelosi  
 Peterson (MN)  
 Pomeroy  
 Price (NC)  
 Rahall  
 Rangel  
 Reyes  
 Rodriguez  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sabo  
 Sanchez, Linda  
 Lee  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Schakowsky  
 Schiff  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sherman  
 Skelton  
 Slaughter  
 Smith (WA)  
 Snyder  
 Spratt  
 Stark  
 Stenholm  
 Stupak  
 Tauscher  
 Taylor (MS)  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Towns  
 Turner (TX)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velazquez  
 Visclosky  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Wexler  
 Woolsey  
 Wu  
 Wynn

Gibbons  
 Gilchrest  
 Gillmor  
 Cole  
 Gingrey  
 Goode  
 Goodlatte  
 Goss  
 Granger  
 Graves  
 Green (WI)  
 Cunningham  
 Greenwood  
 Gutknecht  
 Harris  
 Hart  
 Hastert  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Hensarling  
 Herger  
 Hobson  
 Hoekstra  
 Hostettler  
 Houghton  
 Hulshof  
 Hunter  
 Hyde  
 Isakson  
 Issa  
 Istook  
 Janklow  
 Jenkins  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, Sam  
 Jones (NC)

Keller	Nunes	Shadegg	Brady (TX)	Hastings (WA)	Pearce	Johnson, E. B.	Meek (FL)	Schiff
Kelly	Nussle	Shaw	Brown (SC)	Hayes	Pence	Jones (NC)	Meeks (NY)	Scott (GA)
Kennedy (MN)	Osborne	Shays	Brown-Waite,	Hayworth	Peterson (PA)	Jones (OH)	Menendez	Scott (VA)
King (IA)	Ose	Sherwood	Ginny	Hefley	Petri	Kaptur	Michaud	Sherman
King (NY)	Otter	Shimkus	Burgess	Hensarling	Pickering	Kennedy (RI)	Millender-	Simmons
Kingston	Oxley	Shuster	Burns	Herger	Pitts	Kildee	McDonald	Skelton
Kirk	Paul	Simmons	Burr	Hobson	Platts	Kilpatrick	Miller (NC)	Slaughter
Kline	Pearce	Simpson	Burton (IN)	Hoekstra	Pombo	Kind	Miller, George	Smith (WA)
Knollenberg	Pence	Smith (MI)	Buyer	Hostettler	Porter	King (NY)	Moore	Snyder
Kolbe	Peterson (PA)	Smith (NJ)	Calvert	Houghton	Portman	Klecza	Nadler	Snyder
LaHood	Petri	Smith (TX)	Camp	Hulshof	Pryce (OH)	Kucinich	Napolitano	Solis
Latham	Pickering	Souder	Cannon	Hunter	Putnam	Lampson	Obey	Spratt
LaTourette	Pitts	Stearns	Cantor	Hyde	Radanovich	Langevin	Olver	Stark
Lewis (CA)	Platts	Sweeney	Capito	Isakson	Rahall	Lantos	Ortiz	Stenholm
Lewis (KY)	Pombo	Tancredo	Carter	Issa	Regula	Larsen (WA)	Owens	Strickland
Linder	Porter	Tauzin	Castle	Istook	Rehberg	Larson (CT)	Pallone	Stupak
LoBiondo	Portman	Taylor (NC)	Chabot	Janklow	Renzi	Lee	Pascarell	Tanner
Lucas (OK)	Pryce (OH)	Terry	Chocola	Jenkins	Reynolds	Levin	Pastor	Tauscher
Manzullo	Putnam	Thomas	Cole	Johnson (CT)	Rogers (AL)	Lewis (GA)	Payne	Taylor (MS)
McCotter	Radanovich	Thornberry	Collins	Johnson (IL)	Rogers (KY)	Lipinski	Pelosi	Thompson (CA)
McCrery	Ramstad	Tiahrt	Cox	Johnson, Sam	Rogers (MI)	LoBiondo	Peterson (MN)	Thompson (MS)
McHugh	Regula	Tiberi	Cramer	Kanjorski	Rohrabacher	Lofgren	Pomeroy	Tierney
McInnis	Rehberg	Toomey	Crane	Keller	Ros-Lehtinen	Lowey	Price (NC)	Towns
McKeon	Renzi	Turner (OH)	Crenshaw	Kelly	Rothman	Lucas (KY)	Ramstad	Turner (TX)
Mica	Reynolds	Vitter	Cubin	Kennedy (MN)	Royce	Lynch	Rangel	Udall (CO)
Miller (FL)	Rogers (AL)	Walden (OR)	Culberson	King (IA)	Ryan (WI)	Majette	Reyes	Udall (NM)
Miller (MI)	Rogers (KY)	Walsh	Cunningham	Kingston	Ryun (KS)	Maloney	Rodriguez	Van Hollen
Miller, Gary	Rogers (MI)	Wamp	Davis, Jo Ann	Kirk	Saxton	Markey	Ross	Velazquez
Moran (KS)	Rohrabacher	Weldon (FL)	Davis, Tom	Kline	Schrock	Marshall	Roybal-Allard	Visclosky
Murphy	Ros-Lehtinen	Weldon (PA)	Deal (GA)	Knollenberg	Sensenbrenner	Matheson	Ruppersberger	Waters
Musgrave	Royce	Weller	DeLay	Kolbe	Serrano	Matsui	Rush	Watson
Myrick	Ryan (WI)	Whitfield	DeMint	LaHood	Sessions	McCarthy (MO)	Ryan (OH)	Watt
Nethercutt	Ryan (KS)	Wicker	Diaz-Balart, L.	Latham	Shadegg	McCarthy (NY)	Sabo	Waxman
Neugebauer	Saxton	Wilson (NM)	Diaz-Balart, M.	Leach	Shaw	McCollum	Sanchez, Linda	Weiner
Ney	Schrock	Wilson (SC)	Doolittle	Dreier	Shays	McDermott	T.	Weixler
Northup	Sensenbrenner	Wolf	Duncan	Dunn	Sherwood	McGovern	Sanchez, Loretta	Woolsey
Norwood	Sessions	Young (FL)	Dunn	Ehlers	Shimkus	McIntyre	Sanders	Wu
			Dunn	Emerson	Shuster	McNulty	Sandlin	Wynn
			Ehlers	English	Simpson	Meehan	Schakowsky	
			Emerson	Everett	Smith (MI)			
			English	Fattah	Smith (TX)			
			Everett	Feehey	Souder	Conyers	Green (TX)	Sullivan
			Fattah	Ferguson	Stearns	Cooper	Oberstar	Young (AK)
			Feehey	Flake	Sweeney	Fletcher	Quinn	
			Ferguson	Foley	Tancredo	Gephardt	Smith (NJ)	
			Flake	Forbes	Tauzin			
			Foley	Fossella	Taylor (NC)			
			Forbes	Franks (AZ)	Terry			
			Fossella	Frelinghuysen	Thomas			
			Franks (AZ)	Gallegly	Thornberry			
			Frelinghuysen	Garrett (NJ)	Tiahrt			
			Gallegly	Gerlach	Tiberi			
			Garrett (NJ)	Gibbons	Toomey			
			Gerlach	Gilchrest	Turner (OH)			
			Gibbons	Gillmor	Upton			
			Gilchrest	Gingrey	Vitter			
			Gillmor	Goode	Walden (OR)			
			Gingrey	Goode	Walsh			
			Goode	Goodlatte	Wamp			
			Goodlatte	Goss	Weldon (FL)			
			Goss	Granger	Weldon (PA)			
			Granger	Graves	Weller			
			Graves	Green (WI)	Whitfield			
			Green (WI)	Greenwood	Wicker			
			Greenwood	Gutknecht	Wilson (NM)			
			Gutknecht	Harris	Wilson (SC)			
			Harris	Hart	Wolf			
			Hart	Hastert	Young (FL)			
			Hastert					

## NOT VOTING—12

Blackburn Gephardt Quinn  
Conyers Green (TX) Strickland  
Emanuel Maloney Sullivan  
Fattah Oberstar Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

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.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 338, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 196, not voting 10, as follows:

[Roll No. 450]

YEAS—229

Aderholt Bass Blunt  
Akin Beauprez Boehlert  
Bachus Bereuter Boehner  
Baker Biggert Bonilla  
Ballenger Bilirakis Bonner  
Barrett (SC) Bishop (GA) Bono  
Bartlett (MD) Bishop (UT) Boozman  
Barton (TX) Blackburn Bradley (NH)

Abercrombie Case Farr  
Ackerman Clay Filner  
Alexander Clyburn Ford  
Allen Coble Frank (MA)  
Andrews Costello Frost  
Baca Crowley Gonzalez  
Baird Cummings Gordon  
Baldwin Davis (AL) Grijalva  
Ballance Davis (CA) Gutierrez  
Becerra Davis (FL) Hall  
Bell Davis (IL) Harman  
Berkley Davis (TN) Hastings (FL)  
Berman DeFazio Hill  
Berry DeGette Hinchey  
Bishop (NY) Delahunt Hinojosa  
Blumenauer DeLauro Hoeffel  
Boswell Deutsch Holden  
Boucher Dicks Holt  
Boyd Dingell Honda  
Brady (PA) Doggett Hooley (OR)  
Brown (OH) Doyle Hoyer  
Brown, Corrine Edwards Inslee  
Capps Emanuel Israel  
Capuano Engel Jackson (IL)  
Cardin Engel Jackson-Lee  
Cardoza Eshoo (TX)  
Carson (IN) Etheridge Jefferson  
Carson (OK) Evans John

NAYS—196

Farr  
Filner  
Ford  
Frank (MA)  
Frost  
Gonzalez  
Gordon  
Grijalva  
Gutierrez  
Hall  
Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1300

Mr. BRADLEY of New Hampshire changed his vote from "nay" to "yea." So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to my father's serious heart condition, I was called back to Arizona, and I missed several rollcall votes on Wednesday and Thursday.

Had I been here, I would have voted in the following manner:

On rollcall No. 429, final passage of H.R. 2800, the Foreign Operations Appropriations Act, I would have voted "aye."

On rollcall No. 432, final passage of H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act, I would have voted "no."

On rollcall No. 436, final passage of H.R. 2738, the United States-Chile Free Trade Agreement Implementation Act, I would have voted "no."

On rollcall No. 444, final passage of H.R. 2210, the School Readiness Act, I would have voted "no."

On rollcall No. 445, final passage of H.R. 2427, the Pharmaceutical Market Access Act, I would have voted "aye."

Mr. Speaker, I appreciate the understanding of the House and my constituents on this issue.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 2735

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2735, the Motor Vehicle Owners' Right to Repair Act of 2003.

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

PERMISSION FOR COMMITTEE ON  
APPROPRIATIONS TO HAVE  
UNTIL MIDNIGHT, JULY 30, 2003,  
TO FILE A PRIVILEGED REPORT  
ON DEPARTMENTS OF TRANSPORTATION,  
TREASURY AND INDEPENDENT AGENCIES  
APPROPRIATIONS BILL, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, July 30, 2003, to file a privileged report, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2859 and that I may include tabular and extraneous material.

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

There was no objection.

EMERGENCY SUPPLEMENTAL AP-  
PROPRIATIONS FOR DISASTER  
RELIEF ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 339, I call up the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the bill is considered read for amendment.

The text of H.R. 2859 is as follows:

H.R. 2859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, namely:

DEPARTMENT OF HOMELAND SECURITY  
EMERGENCY PREPAREDNESS AND RE-  
SPONSE

Disaster Relief

For an additional amount for "Disaster Relief" for necessary expenses in carrying

out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$983,600,000, to remain available until expended: *Provided*, That this amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

This Act may be cited as the "Emergency Supplemental Appropriations for Disaster Relief Act, 2003".

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment made in order by the resolution, if offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the question of adopting the Toomey amendment to H.R. 2859 may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

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

I do so to present the emergency supplemental appropriations bill, the second supplemental for fiscal year 2003. We have had considerable debate already on the bill as we debated the rule. This is a very simple, straightforward emergency bill that includes \$983.6 million for the Disaster Relief Fund, which is now a part of the Department of Homeland Security. We know that there are Members that have other interests, and the administration has other interests. We had already reported from the Committee on Appropriations a supplemental that was more far reaching than this, but it appears the proper thing to do now is to just present this emergency supplemental strictly for Disaster Relief because the Disaster Relief account has a serious problem with running out of money. I do not think we need a lot of debate on this bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, before I discuss this matter before us, I would like to alert Members of the House to the situation we face on the VA-HUD bill. There have been approximately 40 amendments offered to that bill. Perhaps 10 of them at this point will fall by the wayside, people deciding not to offer them. If the others simply take 5 minutes on each side and if about a third to a half of them have rollcalls, that will take

us to probably 7 o'clock tonight. I am sorry. I said that wrong. If we have no rollcalls and if we just have 5 minutes of debate on each side, it will take us until about 7 o'clock tonight. If there are any rollcalls at all, then let us say there are rollcalls on about a third of the amendments, that means we would be here until about 9 o'clock tonight. And if you have one-third of those amendments where you take at least 10 minutes a side, then we are going to be here until about 11 o'clock.

I want Members to understand that now, because I know a lot of them are assuming that they are going to be able to catch 6 o'clock planes. Unless something happens, that is not going to be true. I would urge Members to think through whether they are serious in offering these amendments. If they are, obviously they have a right to offer them. But I think Members need to understand what the realistic time frame is as well and would urge Members to take that into consideration if in fact they are planning to get out of here on a plane this evening.

Mr. Speaker, having given that notice, let me simply say that we have already made quite clear that we think that this supplemental is deficient in a number of areas, especially in the areas of fire fighting and in the area of AmeriCorps, but in my view there is no sense chewing that cud twice. We have already talked about it on the rule.

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

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding. The one concern I have in the Toomey amendment which is yet to be offered, since it was not printed in the RECORD as it was supposed to be, but, anyway, in the Toomey amendment, we are going to have an across-the-board cut. One of the items that was not exempted was fire fighting. We are already not getting the supplemental funding for fire fighting that was promised in this bill. Last year they borrowed money from all the accounts to fund the fire fighting. That is what we are going to have to wind up doing again. But then on top of that, we are going to have to have an across-the-board cut. I am told this would be 7 or \$8 million out of the fire fighting funds. I know you can defer it if the President does this and that. All I am saying is, I do not think this amendment is very well thought out, I do not like across-the-board amendments normally; and so I hope that this will at least be thought about as we get into the debate on this supplemental.

Mr. OBEY. Mr. Speaker, I simply want to say that I agree with the gentleman's observation, but it is obvious we are going to be voting on the amendment so I think I will withhold my comments on it until we are actually at the amending stage.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to remind Members that the Committee on Appropriations reported a supplemental appropriations bill that I believe is still in play that would be conferenced as part of the legislative branch bill. That bill did include the money for fighting the fires. We think that is a very important issue. We actually proposed that to the administration and they agreed. They agreed to that part of the supplemental. I hope that is still in play, and I believe that it will be; but today we are faced with the real emergency of a funding emergency for Disaster Relief account.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security and, of course, FEMA falls into his jurisdiction.

Mr. ROGERS of Kentucky. Mr. Speaker, this is a stripped-down version of the disaster supplemental. It is \$983.6 million purely for disaster relief activities. It fully funds all the anticipated Federal disaster relief activities for the balance of this year. The administration, you recollect, had requested \$1.55 billion for these activities, but a portion of that request was for fiscal year 2004 activities; and because we anticipate that we will be able to complete the 2004 appropriations bill before October 1, it is not necessary to include 2004 moneys in this 2003 supplemental. All fiscal year 2004 program requirements can be accommodated in the regular 2004 bill.

Severe storms, tornadoes, and flooding in the Midwest and South have taken their toll on the disaster relief fund. Combined with severe snow and ice storms this past winter and the *Columbia* shuttle recovery efforts, this fund will be depleted within the next 2 weeks. As of July 21, the balance in the disaster relief fund was \$89 million. FEMA is currently spending at \$5.7 million a day; and as expenses for Hurricane Claudette come in, obligations will jump to \$6.3 million a day. That means the fund will be gone on or about August 4.

FEMA has done all they can to hold expenses down. They have put all non-essential projects on hold, including all reconstruction and mitigation projects. In total, \$400 million in spending is on hold. The only activities being supported by FEMA are emergency and essential services such as debris removal, individual assistance, shelter, and medical care.

□ 1315

To date for fiscal 2003 there have been 32 major disasters declared, 15 emergencies and 18 fire management events. We are at the height of the wildfire and hurricane seasons, and an active hurricane season is predicted.

FEMA estimates that they will need about \$10 million a day to support Federal disaster relief effort for the months of August and September. The

proposed \$983.6 million in this bill assumes that FEMA will fully fund these efforts as well as resume work on mitigation, repair and reconstruction projects. It also assumes there will be a zero balance in the fund on September 30.

I urge support for this supplemental. It is streamlined. It is stripped down to its bare essentials. Without it, FEMA funds will dry up August 4, leaving communities and individuals without Federal assistance and laying off personnel.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the gentleman does an excellent job in his work and his subcommittee in dealing with this. I am wondering if he could report to us why it is that there is a shortfall of resources for FEMA for this year.

Mr. ROGERS of Kentucky. Mr. Speaker, unanticipated disasters. There is no way obviously to accurately predict what Mother Nature is going to do. This is not a huge amount of money, as it goes, for disaster relief. It is simply replenishing or allowing that fund to be able to exist until we can get through the next 2 months.

Mr. NUSSLE. Mr. Speaker, will the gentleman continue to yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, is it not true, however, that the President requested back in February an additional \$1 billion for FEMA to be made part of the omnibus appropriations bill, and that that \$1 billion request was not used for FEMA, but rather for other accounts within the omnibus appropriations bill?

Mr. ROGERS of Kentucky. Mr. Speaker, that is something I will yield to the big chairman on. I am not conversant with the details of it.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the chairman of the Committee on Appropriations that our process on appropriations was so fouled up last year by some insistent demands of certain Members that, yes, we had to do 11 of the 13 bills in February of this year.

If the Committee on Appropriations would have been permitted to do our work like we have done this year, by the way, we would not have had those kinds of problems where we had to make adjustments in order to cover the balance of the 2003 issues. And I would suggest that what was done was done in agreement with the leadership, it was done in agreement with the President of the United States; and I make no excuse for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, again, the chairman has, if not the toughest job, one of the toughest jobs on Capitol Hill, and I do not take anything away from that.

My concern about what we are doing with regard to an emergency supplemental, as the gentleman correctly said when he started, is that an emergency, by definition, and has been by definition since the early 1990s, is something that is unforeseen, unpredictable, and unanticipated. And when the President makes a request for \$1 billion in order to fund FEMA accounts for problems that while they maybe have not yet manifested themselves, we know there will be forest fires, floods, hurricanes, tornadoes, windstorms, et cetera.

And I think the concern I have and others may have, is that when it is requested, it is not funded as it is traditionally and unfortunately the case for FEMA, and that money is used for other accounts, that we find ourselves now having to take time on the floor to go and do what should have been done in February.

That money has now been used for other accounts, and that is the concern that I have as the Committee on the Budget chairman, and I know a number of other people have, with regard to the process that we are taking here today.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I understand the gentleman's concern. I do not necessarily agree with it, but I understand it.

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

Mr. OBEY. Mr. Speaker, I yield 6 minutes to myself.

Mr. Speaker, I would simply say that, as I have indicated, we believe that there are a number of other items which should have been included in this supplemental. They were not. The majority determines that; so we have no objection to that which is included in the proposal, and I would certainly intend to vote for it.

I would say with respect to the comments of the distinguished chairman of the Committee on the Budget, it is my observation that in the world sometimes things change. Events occur, natural disasters occur, matters of a war here and there occur. Things change, except in the world of the Committee on the Budget. So I guess nothing that the Committee on Appropriations does will ever satisfy people who prefer a static world, but I quit worrying about that a long time ago.

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

Mr. OBEY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, let me just report to the ranking member that I have supported all of the appropriations bills on the floor this year.

Mr. OBEY. I have not.

Mr. NUSSLE. I understand that, but my point is that the Committee on the Budget tries not to meddle other than when it writes the budget itself, which is our prerogative as a committee to write.

And I would just say, I think the gentleman might acknowledge that a war does not have its own account. FEMA has its own account to anticipate natural disasters, to anticipate emergencies; and as the gentleman knows, this is an unfortunate, but yet somewhat traditional exercise that goes on to underfund FEMA, knowing full well that we have a difficult time saying no to natural disasters, so that those resources can be spread among other accounts.

We can all decide how we are going to vote on this, but I would only encourage the very distinguished ranking member, who I know is concerned about this practice, that we prevent this from occurring in the future.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

Let me simply say I am familiar with the gentleman's history on disaster funding. I personally would prefer that there would be no federally financed disaster programs.

I have introduced legislation which would require every State in the Union to buy into a federally run insurance plan so that on an experience-rated basis States would, much as they do with Worker's Compensation, prepay for any expected disaster short of a gargantuan tragedy. We have not been able to get that considered by either party, so we are stuck with what is left.

I am much more concerned with whether this estimate is real than whether it fits within the niceties of the budget resolution, to be frank about it. I do not think that God gives us 2 weeks' notice before we have a hurricane; so we do not have time to send down a proper budget amendment. So I think we do the best we can.

I think the difference between the gentleman from Iowa and the gentleman from Florida is that the gentleman from Iowa is free to pull numbers out of the air on the Committee on the Budget and describe the world as he and as Committee on the Budget think it ought to exist. But then the Committee on Appropriations and other legislative committees in this place have to implement what happens, and I think it is a whole lot more difficult to implement than it is to pronounce.

So all I would say is, given the limited nature of the recommendations here, I think this is reasonable. I personally believe that this is not going to be enough money in the FEMA account. I think we should have done something on fire fighting. I think we should have done something to prevent 20,000 people from being fired in AmeriCorps, and I recognize we are going to have to continue to agree to disagree.

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

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would just like to point out to my colleagues, I had a chance last night to meet Mike Brown, who is the Under Secretary for Emergency Preparedness and Response, which used to be FEMA, and I asked him a couple of questions about this problem.

First of all, he said they will have to start shutting down offices all over the country, I think it was by August 8, if we do not get this money. I also asked him can they borrow the money from other accounts? No. They do not have a way of doing this like the Forest Service and the Department of Interior. The BLM does; they can borrow money from other accounts.

EPR, Emergency Preparedness and Response, does not have that authority. So we have to appropriate this money. That is why all of a sudden this supplemental reemerged because it became very clear we could not, in good conscience, doing our jobs, leave here without appropriating the money for FEMA.

We have got disasters all over this country, as we speak, that require this funding. And as I said, I wish we had taken care of fire fighting; I wish we had taken care of AmeriCorps. But at least we have to take care of this. It would be totally irresponsible, and I hope in the other body they will also understand that they have got to pass this as well, though I know there is concern over there about this coming at the last moment.

In my mind, this has to be done.

And I appreciate the gentleman for yielding.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

I would simply say, Mr. Speaker, I invite any Member of this House on either side of the aisle who is disquieted about this to call my office and indicate their willingness to join me in sponsoring the legislation that I have described that would set up an experience-rated fund into which States would contribute, so that the Feds do not always get hit with the cost of these things.

But absent that kind of legislation being on the books, I think we have no choice but to provide enough money to meet what we know will be unscheduled, irregular natural disasters.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I rise with a heavy heart today because of the fire fighting funds being stricken from this bill.

This is an enormous problem for those of us from the West. Outside the city of Bend, Oregon, a fire burned 600 acres yesterday. This morning that fire is up to 4,000 acres; it is burning. The Forest Service tells us they will run out of money to fight these fires next

week. OMB says we can borrow from other accounts; they can get us through until the fall.

Here is what happens year after year after year after year. We get through all the paperwork and the environmental process to be able to go out to do the healthy forest things that need to be done to thin the forests, get out the flammable fuels, do all that work.

We get into fire season. We have not budgeted for it properly. We pull the money out to fight the fires. And what does the Forest Service have to do? They borrow from the accounts, and they are ready to do the work to make America's forests healthier by doing the thinning, and they put the work off for another year. We come back in the fall and the winter, we replenish the accounts for the fires, and we do the process all over again. We delay what we need to do to fix problem that will get us to where we do not have as expensive a fire to fight, because it would not be as catastrophic.

Mr. Speaker, if I could enter into an unscripted colloquy with the chairman, my concern is this.

Do we have any assurance from the Forest Service that they will be able to go ahead with these contracts that they are planning to let for this summer and the work that they are planning to do, to do forest thinning and fuels reduction and categorical exclusion work to make our forests healthier and safer, or will any of those funds be pulled back to go into fire fighting instead?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, first let me explain that I agree with everything the gentleman is saying. And I would tell him that just last week when the Committee on Appropriations reported the first supplemental for this particular season, it included a substantial amount of money for fighting fires.

Mr. WALDEN of Oregon. And we are appreciative of that.

Mr. YOUNG of Florida. Mr. Speaker, this supplemental is still in play. It has not gone to conference, but it is still in play as part of the legislative branch appropriations bill.

This is a different bill. This one is intended to move smoothly. That is a joke, by the way.

However, that particular bill is stalled, so we are moving this one because this is a real emergency for FEMA. The ability to borrow money to fight the fires is there. They can do that.

□ 1330

However, everybody should be aware that whatever we borrow, we are going to have to pay it back anyway, so we are going to have to make up this money.

My thinking is it would have been smarter to include in this bill the fire

fighting money that is necessary. But it did not happen. I wish it had, but it did not.

We will move this bill and hopefully get to conference quickly on the other bill and take care of the problem at least of paying back the money that they have to borrow.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I understand what the gentleman says, and he has been most gracious and wonderful to work with on this issue. But the problem is, as we wait, the forests burn, the work does not get done, the issue is compounded. This is penny wise and pound foolish.

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

Mr. WALDEN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to associate myself with the gentleman's remarks. The gentleman is absolutely accurate on this point. We would almost be better off if we took away the borrowing authority, because then they would have to put up the money. We would be like FEMA in that situation. Then they would have to put up the money, because we could not leave here without taking care of this problem.

Now what we do is let them borrow the money from the Forest Service, from BLM, ruin their other programs, put the agency in total chaos, and then, on top of that, we do not pay the money back. This is not good.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I would say to the gentleman from Wisconsin (Mr. OBEY), I admire his legislation and will take a close look at it. The State of Oregon for many years has done precisely that, buy an insurance policy to help pay for the cost of fire fighting. Of course, that cost continues to go up; but we do participate in that. So I think it is a good idea to consider.

So, Mr. Speaker, in conclusion, I rise in great, great frustration about where we find ourselves today, especially with the lack of notice that these funds were going to be cut out, when we thought they were going to be there.

Mr. SMITH of Michigan. Mr. Speaker, supplemental appropriation bills are too often used to fund expenses that can, on average, be predicted. They allow politicians to keep the annual appropriation budgets at a level that is less objectionable to fiscal conservatives. In effect it is a hoodwinking of taxpayers who think that Congress sticks to its budget.

In my eleven years in this House we never have supplemental appropriation bills increase deficit spending and total debt of the government.

A reasonable average of past supplementals should be included in annual budgets as a reserve fund that can be used for emergency or unexpected necessary spending. To do otherwise is not good spending policy.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of the Democratic motion to provide adequate funding for AmeriCorps, one of our Nation's most important volunteer programs.

I applaud President Bush for his support of community service. It is essential to provide volunteers with the means to do so. AmeriCorps has been a shining example of the difference volunteers can make in communities across the country.

Because of AmeriCorps, more than 38,000 people of all ages and backgrounds are helping to solve problems and strengthen communities through 108 national service projects across Missouri. Serving with national and community nonprofit organizations, faith-based groups, schools, and local agencies, these individuals tutor and mentor children, coordinate after-school programs, build homes and community gardens, conduct neighborhood patrols, organize local homeland security efforts, respond to disasters, and recruit and manage volunteers, to name a few of their contributions. These programs reach thousands of children, many of whom will be left without mentorship opportunities and after school guidance if AmeriCorps is not fully funded.

Mr. Speaker, I support the \$100 million in additional funding for AmeriCorps, and it should be provided for in this bill. The National and Community Service announced in June that there would be cuts of 50 to 90 percent to State AmeriCorps budgets and corps member slots. This must be remedied so that AmeriCorps and its volunteers can continue their selfless contributions to our country.

Mr. HOLT. Mr. Speaker, I rise to speak about a glaring omission from this emergency supplemental—funding for AmeriCorps. We must include \$100 million in funding for AmeriCorps. Without this funding AmeriCorps will suffer a nearly 60 percent cut and 20,000 service members will be eliminated.

Cutting AmeriCorps at a time when Americans are facing a stagnant economy, the worst unemployment in more than a decade, and deep cuts in State and Federal social programs is not just inconsiderate and wrong, it is unwise. That's why I have signed a letter along with many of my colleagues in Congress calling on the President and the Congressional Leadership to push for emergency funding for AmeriCorps. Young people who are qualified and willing to serve our communities should not be turned away. We should not be trampling on the spirit of service that AmeriCorps has inspired in so many of our young people to give back to our communities. Since 1994, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans.

President Bush has called for expanding AmeriCorps from 50,000 to 75,000 volunteers. Volunteerism was a major theme of his State of the Union address and as recently as April 9, while speaking at a Connecticut community center where AmeriCorps volunteers mentor students, President Bush said, "We need to encourage programs to expand, to give people an outlet, a chance to participate." Words are cheap—the efforts of these volunteers are dear.

Without additional funding the service programs, as well as the volunteers and communities that rely on their help, will be devastated. The infrastructure of many small programs, which do not have the resources to sustain a significant budget cut for even one year, will be destroyed.

The people of central New Jersey will lose if this funding is not restored. In Trenton, New Jersey, the Crisis Ministry, the Trenton Soup

Kitchen, and the ARC (which helps kids and adults with mental disabilities) could all face cutbacks in AmeriCorps volunteers. These programs provide services that are vital to my district all the time, but especially in tough economic times. AmeriCorps is an outstanding program with a proven track record of meeting the critical needs of New Jersey's communities. We cannot allow it to be downsized. I ask my colleagues to include funding for AmeriCorps in the conference committee.

Mr. OSBORNE. Mr. Speaker, I wanted to come to the floor today to raise an issue that I know many of my colleagues have been very concerned about, and that is additional funding for AmeriCorps. Currently, AmeriCorps is facing a very severe funding crisis. Local programs around the country are facing severe cuts.

Thousands of social service organizations across the country depend on AmeriCorps for manpower and service for constituents. If we do nothing, many of these programs won't be able to survive or make up the difference in funding in another way. This means that fewer meals will be delivered to the elderly and fewer children will be mentored. When national AmeriCorps officials announced a major cut last month in grants for volunteer positions, leaders of hundreds of volunteer programs across the country warned they will have to reduce operations or shut down. These programs and the people they serve should not be made to suffer because of problems in Washington that could be addressed by short-term solutions, such as agreeing to \$100 million in supplemental funding for AmeriCorps.

While I realize that today's bill is focused only on addressing issues facing FEMA, I did want to make sure to note that a majority of members of this House signed letters in support of additional funding for AmeriCorps. We have heard from the wonderful programs all around this country that are doing such important work. I will continue to work to see if additional funding can be provided to improve this situation which is so critical to so many nonprofit programs in all of our districts.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). All time for general debate has expired.

AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

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

SEC. \_\_\_\_ (a) There is hereby rescinded a total of \$983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports

for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

- (1) The Department of Defense.
- (2) The Department of Homeland Security.
- (3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) will control the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, let me start by saying we do need to fund FEMA properly; but we also need to offset it, as we often have done in the past, and that is what this amendment proposes to do.

I want to follow up on the comments of my chairman, the chairman of the Committee on the Budget, who was exactly right about how we got to this point. I would like to explain that a little bit and make sure that my colleagues understand that for fiscal year 2003 the President requested \$1.8 billion for FEMA disaster relief. This is routine annual spending in anticipation of the fact that we know we will have disasters in America.

In October of 2002, the House Committee on Appropriations approved \$1.8 billion in committee. In January of this year, the Senate passed an omnibus with only \$800 million, \$1 billion below the President's level.

In January of 2003, the White House issued a statement of administration policy pointing out that this underfunding of FEMA by \$1 billion would cause a problem and we would need to go back and address this. But despite that, despite the fact that everybody knew that we were intentionally and consciously underfunding FEMA by about \$1 billion, we passed an omnibus at the lower level, \$1 billion below the House Committee on Appropriations level, \$1 billion below the President's request.

And what happened to the \$1 billion? As the chairman of the Committee on the Budget correctly observed, it was used so we could spend more money in

other areas and still pretend we were living within the overall discretionary level that we had all sort of agreed upon.

Well, the fact is, this emergency is an emergency that we have created by virtue of the fact that we chose not to fund this one category, and we all knew that low-balling FEMA would not stand. So now, predictably, we are all back to back-fill the hole that we dug for ourselves in February.

As I said before, FEMA needs the money. That is not the issue about this amendment. What we are simply saying is we ought to offset this so that we do not have just a net increase in the total amount of spending. We are just trying to stick to the budget that we agreed to.

So what this amendment does is it says let us take this \$984 million and let us offset it with an across-the-board reduction in all discretionary spending programs except defense, homeland security, and veterans programs. That adds up to about five one-hundredths of 1 percent of the total spending for 2003, about three-tenths of 1 percent of the spending in the categories in which we are going to make this tiny cut. It is about 29 cents out of every \$100 dollars.

Now, some people will say, well, even that is too much to cut, especially since there are only 2 months left in the fiscal year. So we have gone on to say, okay, we'll leave it to the discretion of the President to decide whether we cannot find that amount of waste, 29 cents out of \$100 is too hard to find; and if that is the case, he has all of 2004 to offset any individual accounts he so chooses.

It strikes me, Mr. Speaker, as a very reasonable and very doable amendment. Over the next 2 months, agencies would be asked to come up with 29 cents out of every \$100. And if they cannot, they get another 12 months to do it. We have a history of offsetting non-defense supplementals; and I believe with a deficit of \$455 billion, here is a way to reduce that deficit. It is what we ought to do.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very important member of the Committee on Appropriations.

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

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

To my colleagues, several of us on the Committee on Appropriations have fought now for many years to try to hold the line on spending and have a record there and are in agreement with these efforts to do this. But this is not only not workable; it is actually the wrong thing to do at the wrong time, and let me explain why.

OMB, if you have not worked with them since this administration took over, "OMB" are the three most dreaded letters in Washington, D.C. They are about the business of carving and cutting, and rightly so, in many direc-

tions. But they are not offering offsets, they do not have offsets for this spending, and the administration has requested the money without offsets because even those carvers at OMB cannot find the offsets. You gentlemen know it, and you know that it will not work because of that.

I hope we do not just cede the constitutional responsibility to spend money to the executive branch. That is not in our best interests, it is not in the constitutional best interest, and I do not want to just say, administration, you can start spending money discretionarily or saving money discretionarily. That is the power that belongs here in the Congress, and that is our responsibility.

Now, the money you are talking about offsetting in the final 2 months of the fiscal year is not from mandatory programs; it is not Social Security, Medicare, any of the mandatories. It cannot come from that. It cannot come from defense, it cannot come from homeland security. So the offsets must come from about 14 percent of the Federal budget, and then it is only for one-sixth of the fiscal year. So now you are down to a very narrow pool of discretionary funds to take the offsets from. And then it does not work out to 29 cents on every \$100. It gets into specific small accounts, most of which are already obligated, most of which are obligated to be spent in the final 2 months of the fiscal year.

So, frankly, it is not a workable solution. Even though I am all for offsetting early, you cannot wait until the end of the fiscal year and say we are going to have offsets. The money is obligated by the end of the fiscal year.

Once again, the most important thing here is that we have to carry out our responsibilities and not just say, White House, you find these offsets.

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

Mr. Speaker, I would remind my colleagues that we have 14 months to find these offsets, not just 2.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

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

Mr. NUSSLE. Mr. Speaker, there is not enough time in this debate to adequately acknowledge what this practice of underfunding FEMA means to the victims. So I hope we all keep that in mind here today, because while this bill is important, it is important that we change the practice of underfunding FEMA intentionally, as we did in February to take \$1 billion out of what was requested by OMB and to spread it into all these other little goodies, knowing full well that if FEMA needed the money, we would come back here breathlessly to say, oh, yes, we need a little bit of extra money; and that is exactly what happened. That is exactly what was predicted in February, and that is exactly what happened today.

The traditional definition that we have used for emergencies has always been "unforeseen, unanticipated, and unpredictable." Well, how is it that OMB and the President were able to predict that this was going to happen in February; but for some reason now, the last minute on the last day before the recess, before, as my friend from Washington says, offices are ready to close, the lights are ready to be turned off, people are thrown in the street, and that is typically what happens, as people come breathlessly to the floor with an emergency supplemental, knowing full well in February we needed money and waiting until the last minute to try and jam it through.

We are probably going to jam it through again, and it is only, gosh, I hope my mother is not listening, it is only \$1 billion. But we have got a deficit, and I want to see all those deficit hawks, all those Democrats in particular that have been down here on the floor railing about the deficit, to come down here today and remind themselves and their friends about how important it is to not add an additional \$1 billion to the deficit.

What the gentleman from Pennsylvania says is let us find the money. If you do not like this offset, fix it in conference. That is the power you have. The chairman knows he can increase the bill in conference. You can also fix this amendment and find a true offset in conference. Let us pay for this disaster.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the issue of February's bill, first of all, that was not our fault. We were not permitted to bring the bills in the regular period of time for fiscal year 2003. That was not our fault.

The fact that the numbers were different in February, understand that in February almost half of the fiscal year was gone, and there was not any use funding the early part of the fiscal year because it was already over with.

It is easy for the budget resolution to make assumptions. They can assume that you can find \$7 billion, for example, in the plug that was in this 2004 budget resolution. The Committee on Appropriations has to be real. What we write in our bills becomes law. It has to be real. It has to be realistic. That is what we do. We cannot satisfy everybody.

I want to compliment my friend from Pennsylvania for keeping our feet to the fire on spending. He does a really good job. And we try to balance out those who want to spend more and those who want to spend less, just to make sure that we do a responsible job in funding the government and funding essential operations. So I compliment the gentleman. Sometimes I agree with him, and sometimes I do not.

In this case, I must disagree with him. I do so because his amendment would cut money from the FBI, Drug Enforcement Agency, technology for State and local enforcement. It would

cut for embassy security, it would cut NIH, Centers for Disease Control, Head Start, special education grants, grants for disadvantaged students. Cuts would also deal with HIV-AIDS and child survival, world hunger programs, aid to Israel, and the list is very long.

Remember, there are only 2 months left in this fiscal year. If this was across-the-board for the whole 12 months, it might not be so bad, but this is only for 2 months left in the fiscal year.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I would ask the chairman, what portion of all Federal spending is actually appropriated by the appropriations?

Mr. YOUNG of Florida. The answer is the discretionary spending is about one-third of the total government spending. It is amazing to me how some of those who are constantly arguing about discretionary spending vote for the big mandatory programs, the back-door spending. So it is two to one.

Mr. ROGERS of Kentucky. Mr. Speaker, if the gentleman will yield further, is that two-thirds of the Federal spending that the mandatory accounts account for? Are those accounts adding to the Federal deficit even as we speak?

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Mr. YOUNG of Florida. Absolutely.

Mr. ROGERS of Kentucky. Has the Committee on the Budget done anything about mandatory spending?

Mr. YOUNG of Florida. Mr. Speaker, I have not found much success in the proper committee's dealing with that.

Mr. NUSSLE. Mr. Speaker, would the gentleman yield? Would the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I will yield after I yield to the gentleman from Wisconsin (Mr. OBEY.)

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY.)

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

Mr. Speaker, one observation, and then one question.

I do not appreciate having to take lectures from the Committee on the Budget. Let me tell my colleague the sleight of hand that that committee played. They pretended that they provided additional money for veterans. They pretended that they provided additional money for education and for special education in order to get the votes of the moderate Republicans in here for the resolution.

And then, after they pretended, on an account-by-account basis, that they had provided the money, then that same Committee on the Budget provided \$7.2 billion in undistributed reductions and assigned those reductions to our committee, without having the guts to spell out what those reductions should be.

And then they squawked when the gentleman from Florida tried to distribute those reductions. That is what is going on here.

The difference is that the gentleman from Florida has to run a real railroad train, it is not an Alice in Wonderland train.

Now, with respect to the amendment at hand, I simply want Members to know how they are going to vote. I mean, the Republicans are running this show, so it is immaterial to me which of your factions wins the argument on that side.

But if this amendment passes, you will be cutting \$15 million from the FBI. You will forcing Israel to write a \$12 million check back to us because they have already gotten their money. The Drug Enforcement Agency will have to cut \$5 million. The Colombian drug initiative, which was just defended in this House this week, you will have to cut \$1 million out of that. You will have to cut \$15 million out of the Cancer Institute. And you will have to cut \$600,000 out of Meals-on-Wheels.

Now, I am not going to debate whether you ought to do any of that stuff; I simply want Members to know what they will be voting on if they vote for the amendment.

I would also simply say that I hope, and I am confident, that this amendment has more to do with concerns about budget than it does a Pennsylvania Senate primary.

Mr. TOOMEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) and remind my colleagues that we have enacted across-the-board spending cuts in 3 of the last 4 fiscal years.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I come to this floor in the reality of representing a district, 10 counties of which are, at this hour, recognized as Federal disaster areas. The flood of 2003 saw the waters of the Wabash River and the St. Mary's River rise and devastate families and homes in much of the eastern Indiana district that I represent.

But there is another rising tide that I am here to support the gentleman from Pennsylvania (Mr. TOOMEY) on as he seeks this amendment's passage, and that is the rising tide of red ink that is engulfing the American taxpayer, and a modest effort today that we attempt to stem.

The Federal deficit today stands at \$455 billion, and I would offer humbly, with deep respect for the gentleman from Florida and his outstanding leadership of this Committee on Appropriations, that now is not the time to add another \$1 billion, another new massive player to that deficit.

Two important points, I think, in this discussion. We have heard from the Committee on the Budget chairman, and I would not enter that debate

between chairmen, as unwise as that might be, but it is accurate to say that the dollars that are being asked for today are not in the budget resolution that we passed narrowly on this floor.

Number two, in defense of the chairman of the Committee on Appropriations and the House Members gathered here on both sides of the aisle, the money that we are considering today was in the House bill. We did our work, it seems to me important to say today; the House Committee on Appropriations met the President's request for FEMA, and somewhere in the midst of the conference committee, it was lost.

As people across the 10 counties of my eastern Indiana district struggle against the weight of the flood of 2003, I think we ought to try and do two things at once today: pass the Toomey amendment; speed much-needed relief by the end of this day to make sure FEMA has the resources it needs, but speed relief to the American taxpayer who earnestly desires that we confront the rising tide of red ink in Washington.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me this time. I want to associate myself with his remarks and the remarks of the gentleman from Wisconsin (Mr. OBEY).

I must say, I worry about the Interior Appropriations, an across-the-board cut like this, especially since it would affect forest fire fighting. It would also affect forest health. Those would both be cut. And all of the other accounts would be cut at a time when we are going to have to borrow money from those accounts to fight the fires of this year, because we do not have enough money in the budget to do that.

So I would say to everyone here, I think that the prudent thing to do, since we do not know all of the consequences of the amendment, and we know that a number of them are bad, and it is the last two months of the year, is to defeat the Toomey amendment and pass the supplemental.

The President of the United States happens to be the person, by the way, who is asking for this money, and he did not ask that it be offset. And this OMB has been as tough on spending as any in modern history.

So they want it as an emergency. They do not want to see their programs cut any further.

So I think, with the risk to fire fighting across this country, we should defeat the Toomey amendment.

Mr. TOOMEY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I take this time just to respond to my very distinguished appropriations chairman and subcommittee chairman to report to them that I heard their personal conversations to me about the need to take on mandatory spending and not

just fight about discretionary spending. That is why in the budget this year we not only asked for the 1 percent from all of the mandatory spending; the first time that has been done, it was because of the interest of the Committee on Appropriations, in particular, that we took on that task.

No, it did not complete the final version of the budget, because there were not enough people who were gutsy enough to do it. I know the gentleman from Kentucky is. I am, as well.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, assuming, and the gentleman is correct about its being in the budget as a request, but where is the reconciliation bill that makes that happen?

Mr. NUSSLE. Mr. Speaker, reclaiming my time, that is a fair comment. But to suggest that the Committee on the Budget has not been doing its work with regard to mandatory spending is what troubled me in the gentleman's comments.

The gentleman is right that the proof will be in the final product, but I would just say that the committee has attempted to at least fix this problem.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman's time has expired.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Iowa and ask him to yield to me.

Mr. NUSSLE. Mr. Speaker, I am happy to yield.

Mr. YOUNG of Florida. Mr. Speaker, I hope the gentleman did not misunderstand my comments. I agree, the gentleman has, as chairman, done more than previous budget chairmen to recognize the problem with mandatory versus discretionary; and I compliment the gentleman for that.

My comment relative to and in response to the question of the gentleman from Kentucky (Mr. ROGERS) about the two-thirds, one-third is a fact. But again, that was not to be a criticism of the chairman of the Committee on the Budget, because I know that you and I have talked, and I know that you understand totally and you agree that if we cannot control mandatory, we are never going to control discretionary.

Mr. NUSSLE. Mr. Speaker, if I can reclaim the time and just report that we have had one successful bill that already has moved to the floor that reduced, for waste, fraud, and abuse, \$33 billion in a mandatory program called Medicare. It was part of the bill that was voted on and passed by this House.

So, again, to suggest that nothing has been done is not correct.

Mr. TOOMEY. Mr. Speaker, I yield myself the balance of our time.

I would just remind my colleagues on the Committee on Appropriations that in addition to the Committee on the Budget, I offered an alternative budget that actually would significantly re-

strain the growth of mandatory spending. Very specifically, I frequently vote against many mandatory spending programs as well.

But what we are here today to try to do is not cut a dime out of FEMA. What we want to do is just say, let us offset this. It is 29 cents out of \$100. It is not for two months, it is over 14 months, and any single individual line item, if the President thinks it is unreasonable to try to find 29 cents out of the \$100 because there are only two months left, and no doubt there are many categories in which that would be difficult, there are another whole 12 months, all of fiscal year 2004, to find those offsets.

This is not that hard. Any family can find 29 cents out of \$100 in their family budget. Any business can do likewise. We have an obligation to do the same thing for our taxpayers, especially at a time when we are running the kind of deficits that we are.

So, Mr. Speaker, I urge my colleagues to adopt this amendment, and when this amendment succeeds, which I hope it will, and I am sure every Blue Dog is going to vote for it, because I hear them all the time talking about how upset they are about the deficit; well, here is an absolute, straightforward way to reduce the deficits. I am looking forward to a lot of votes from that side of the aisle. I am looking forward to the passage of my amendment, and then passage of the underlying supplemental.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

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

Mr. WICKER. Mr. Speaker, I rise in strong opposition to the amendment.

Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

As a fiscal conservative I certainly can appreciate the spirit of what this amendment seeks to accomplish. But as a member of the House I cannot support the abrogation of our constitutional "power of the purse" responsibilities to the executive branch.

The funding for the Federal Emergency Management Agency in this supplemental is precisely the level to meet the unexpected—and emergency—disaster expenses the Bush Administration has said it requires.

The amendment before the House stipulates that the executive branch make unspecified cuts to unspecified programs. Funds could be cut from the FBI, DEA, FEMA, Special Education, NASA, transportation and other projects that this House has already acted upon. It is the responsibility of the legislative branch to make these types of funding decisions not the executive branch.

Early on in my tenure I had the chance to support a rescission bill that pared back billions in previously appropriated funding. So my dispute with this amendment is much more about process than substance.

This underlying bill is fiscally responsible. It is important to note that it is almost \$1 billion below the original amount requested by the President. If we are serious about fiscal responsibility, we should identify specific programs for specific reductions. This amendment shirks the difficult choices in favor of an easy vote.

I urge my colleagues to defeat the amendment and pass the bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in strong opposition to the Toomey amendment.

Just before I came here for this series of votes, we were meeting with the FBI. The FBI needs additional resources because they have taken personnel out of crime fighting and drug fighting and are now putting them in with regard to homeland security. They need more people. Then they have taken people off the streets that are working on drugs. So this would not be good for the FBI, aside from the homeland security.

Lastly, across-the-board cuts never work. The best way to do something, if there is a particular program that you want to cut, you go after it. But across the board, to make the FBI take that cut now, and DEA, would not be good for the country, not good for crime, and not good for the fight against drugs.

So on that, I strongly urge a "no" vote on the Toomey amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the previous question is ordered on the bill and on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. TOOMEY. Mr. Chairman, on that I demand the yeas and nays.

The yeas and nays are ordered.

The SPEAKER pro tempore. Pursuant to the previous order of the House earlier today, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) are postponed.

#### LIMITATION ON AMENDMENTS DURING CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2861 in the Committee of the Whole pursuant to House Resolution 338, no amendment to the bill may be offered except:

pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or

their designees for the purpose of debate;

an amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

an amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

an amendment by Mr. EDWARDS regarding medical care for veterans;

an amendment by Mr. STEARNS regarding medical and prosthetic research;

an amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

an amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

an amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

an amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

an amendment by Mrs. CAPPS regarding science and technology programs on the Environmental Protection Agency;

an amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

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an amendment by the gentleman from Michigan (Mr. DINGELL) regarding environmental programs and management;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

an amendment by the gentleman from Texas (Mr. HALL) regarding NASA;

an amendment by the gentleman from Kansas (Mr. MORAN) regarding beneficiary travel;

an amendment by the gentleman from Maine (Mr. ALLEN) regarding the Clean Air Act, which shall be debatable for 20 minutes;

an amendment by the gentleman from Illinois (Mr. MANZULLO) regarding the Buy America Act;

an amendment by the gentleman from Vermont (Mr. SANDERS) or the gentleman from Pennsylvania (Mr. KANJORSKI) regarding veterans integrated service networks;

an amendment by the gentleman from Massachusetts (Mr. LYNCH) regarding veterans;

an amendment by the gentleman from Kansas (Mr. MOORE) regarding Capital Asset Realignment for Enhanced Services;

an amendment by the gentleman from Hawaii (Mr. CASE) regarding redesignation of Hawaiian counties;

an amendment by the gentlewoman from California (Ms. LEE) or the gen-

tlewoman from Illinois (Ms. SCHAKOWSKY) regarding homeless assistance grants, debatable for 20 minutes;

an amendment by the gentleman from Washington (Mr. INSLEE) or the gentleman from New York (Mr. HINCHEY) regarding environmental programs and management;

two amendments by the gentlewoman from Texas (Ms. JACKSON-LEE) regarding NASA, each of which shall be debatable for 5 minutes;

an amendment by the gentleman from New York (Mr. BISHOP) regarding human testing of pesticides;

an amendment by the gentleman from New York (Mr. MEEKS) regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated or a designee, shall be considered as read, 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 amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, and I certainly will not object because we have been working on this for a long time, but I would still like to point out to the Members of the House that while I certainly welcome this time agreement for planning purposes, Members need to understand that if everyone included in this agreement exercises the full amount of time listed in this agreement, we will still be here about 9 o'clock this evening. So if people are trying to catch their airplanes and they have amendments, many of these amendments are subject to a point of order and many of these amendments are probably not going to get very many votes. So I think Members need to ask themselves how much time they want to take in situations like that.

The committee is doing everything it can to get Members out of here so they can catch their planes, but we will need the cooperation of the individual Members, or it is not going to happen.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I want to confirm what the gentleman has said.

I recall yesterday the dialogue between the minority whip and the majority leader that if we work things out that Members could probably consider leaving here about 5 o'clock. And I know that, if we continue to do everything that is on this unanimous consent list, that is just not going to happen. So Members need to be aware that

the 5 o'clock suggestion that was made yesterday may not work if we do all of this.

Mr. OBEY. Reclaiming my time, I would simply say it most certainly will not work if we do all of this. So people need to think about it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 338 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2861.

The Chair designates the gentleman from Illinois (Mr. SHIMKUS) as Chairman of the Committee of the Whole, and requests the gentleman from Iowa (Mr. NUSSLE) to assume the chair temporarily.

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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. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, with Mr. NUSSLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Chairman, it is my pleasure to bring before the House today H.R. 2861, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for 2004.

Prior to proceeding, Mr. Chairman, in discussing the bill before us, I would like to offer my sincere recognition and thanks to my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for his help in bringing this bill to the floor. He and I have forged a strong relationship over the last 5 years working on this bill. I feel the result reflects most of our shared priorities. We consulted during hearings during the formation of the bill, during markups, and his advice has been remarkable and we would not be here if we had not had it.

I would also like to thank and recognize the staff on both sides of the aisle for their hard work and assistance. My personal thanks to Tim Peterson, the clerk of the subcommittee; Dena Baron; Jennifer Whitson; Jennifer Miller; and Doug Disrud on the majority side, and to Michelle Burkette, Mike Stephens, and Jerry Johnson for the minority.

I would also like to express my appreciation to Gavin Clingham and Angela Ohm on the gentleman from West Virginia's (Mr. MOLLOHAN) personal staff, as well as Ron Anderson and Art Jutton on my personal staff for their assistance in getting this bill to this point in the process.

Mr. Chairman, I would like to just sum up briefly the bill. Most of the attention has been focused on the veterans portion, and I will address that at the end. In housing, we have provided an increase of about close to \$1 billion to provide for full funding for section 8 housing vouchers. There are no new incremental vouchers, but we have fully funded the existing vouchers that include vouchers that are targeted for housing for people with AIDS. It is also for disabled individuals in our society. So those are dedicated funds, and they will continue to flow.

In the Environmental Protection Agency, we provided approximately \$8 billion, and I think we have done a good job in continuing the progress that we have made in protecting the environment; and we do expect several amendments in that area of the bill, some of which we will accept.

In NASA, NASA really is a status quo budget, pending the outcome and the release of the Gehman Commission report. We expect that that report will have profound implications for NASA, and we expect that the administration, once that report is available, will come forward and express their views to us, which may result in additional supplemental expenditures depending on what the report says, but we do await that report.

The National Science Foundation, the Congress is on record as requesting that we double the National Science Foundation in 5 years. We cannot keep that pace, although in the past we have done close to double-digit increases in the past 3 or 4 years in NSF; and I think the subcommittee has shown great leadership in supporting the in-

vestment in the new technologies, information technologies and others that this country leads the world in. We will have a 5 percent increase, which I think given our allocation is a remarkable commitment to our scientific community. These are all peer reviewed, non-earmarked funds. So they encourage some of our finest educational institutions across the country and our finest young people.

Lastly, the veterans budget, which has been the focus of most of the discussion so far. Mr. Chairman, we have increased veterans medical care by approximately \$1.3 billion over last year. It is about a 6 percent increase in medical care. We have provided about \$1 billion increase in the mandatory portion of the bill which is veterans benefits. It is a \$2.5 billion increase.

We were asked to provide additional funds to veterans. We were unable to do that, given the allocation that we had. It is an increase, it is a substantial increase, but it is not a record increase similar to what we provided 2 years ago and then again last year. But, in fact, this subcommittee has increased the veterans budget and the medical care side by close to 50 percent in the last 5 years. So since 1998, close to a 50 percent increase in veterans medical care. The difficulty is that the number of customers, the number of patients that we have had at the veterans hospitals has outstripped those increases.

The Congress has tried diligently and this has been the number one priority of the subcommittee to fully fund veterans health care, and we are trying. It is pretty clear by the discussion that Members expect us to provide more, veterans expect us to provide more, veterans service agencies expect us to provide more.

This is not the end of the process. The process continues after this bill is hopefully passed today. We have to go to conference with the Senate. And I pledge to work with the minority, with the gentleman from West Virginia (Mr. MOLLOHAN), with our Republican leadership, the leadership of the House, and with the Senate to find any way we can to improve the funding for veterans medical care and at the same time looking down the road at things that the Congress can do to improve the situation by making administrative decisions to bring veterans in through the process more quickly, to take some of the pressure off the prescription drug problem by passing a prescription drug benefit for all Americans, by looking at the Medicare subvention issue which would allow veterans to use their Medicare payments to pay for going to the veterans hospital.

There are a number of things we can do. We cannot do them all in this bill, but I do pledge to continue to work to try to improve the situation as we go towards the conference.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions.....	28,949,000	29,845,127	29,845,127	+896,127	---
Readjustment benefits.....	2,264,808	2,529,734	2,529,734	+264,926	---
Veterans insurance and indemnities.....	27,530	29,017	29,017	+1,487	---
Veterans housing benefit program fund program account (indefinite).....	437,522	305,834	305,834	-131,688	---
(Limitation on direct loans).....	(300)	(300)	(300)	---	---
Credit subsidy.....	-98,000	---	---	+98,000	---
Administrative expenses.....	167,114	154,850	154,850	-12,264	---
Education loan fund program account.....	1	1	1	---	---
(Limitation on direct loans).....	(3)	(3)	(3)	---	---
Administrative expenses.....	70	---	70	---	+70
Vocational rehabilitation loans program account.....	55	52	52	-3	---
(Limitation on direct loans).....	(3,626)	(3,938)	(3,938)	(+312)	---
Administrative expenses.....	287	300	300	+13	---
Native American Veteran Housing Loan Program Account..	554	571	571	+17	---
	-----	-----	-----	-----	-----
Total, Veterans Benefits Administration.....	31,748,941	32,865,486	32,865,556	+1,116,615	+70
	=====	=====	=====	=====	=====
Veterans Health Administration					
Medical services for Priority 1-6 Veterans.....	---	---	15,579,220	+15,579,220	+15,579,220
Delayed obligation.....	---	---	200,000	+200,000	+200,000
Total.....	---	---	15,779,220	+15,779,220	+15,779,220
Medical services for Priority 7-8 Veterans.....	---	---	2,166,000	+2,166,000	+2,166,000
Offsetting receipts.....	---	---	-1,502,000	-1,502,000	-1,502,000
Medical and prosthetic research.....	397,400	408,000	408,000	+10,600	---
Medical administration.....	---	---	4,854,000	+4,854,000	+4,854,000
Medical facilities.....	---	---	3,920,000	+3,920,000	+3,920,000
Delayed obligation.....	---	---	80,000	+80,000	+80,000
Total.....	---	---	4,000,000	+4,000,000	+4,000,000
Medical care.....	23,889,304	25,218,080	---	-23,889,304	-25,218,080
Medical care cost recovery collections:					
Offsetting receipts.....	-1,386,000	-1,800,000	---	+1,386,000	+1,800,000
Appropriations (indefinite).....	1,386,000	1,800,000	---	-1,386,000	-1,800,000
Total available (excludes offsetting receipts)..	25,275,304	27,018,080	---	-25,275,304	-27,018,080
Medical administration and miscellaneous operating expenses.....	74,230	79,140	---	-74,230	-79,140
	-----	-----	-----	-----	-----
Total, Veterans Health Administration.....	24,360,934	25,705,220	25,705,220	+1,344,286	---
	=====	=====	=====	=====	=====
Departmental Administration					
General operating expenses.....	1,245,849	1,283,272	1,283,272	+37,423	---
Supplemental Appropriations (P.L. 108-11).....	100,000	---	---	-100,000	---
National Cemetery Administration.....	132,284	144,203	144,223	+11,939	+20
Office of Inspector General.....	57,623	61,750	61,750	+4,127	---
Construction, major projects.....	99,128	272,690	274,690	+175,562	+2,000
Construction, minor projects.....	224,531	252,144	252,144	+27,613	---
Grants for construction of State extended care facilities.....	99,350	102,100	102,100	+2,750	---
Grants for the construction of State veterans cemeteries.....	31,792	32,000	32,000	+208	---
	-----	-----	-----	-----	-----
Total, Departmental Administration.....	1,990,557	2,148,159	2,150,179	+159,622	+2,020
	=====	=====	=====	=====	=====

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title I, Department of Veterans Affairs..	58,100,432	60,718,865	60,720,955	+2,620,523	+2,090
(Limitation on direct loans).....	(3,929)	(4,241)	(4,241)	(+312)	---
-----					
Consisting of:					
Mandatory.....	(31,580,860)	(32,709,712)	(32,709,712)	(+1,128,852)	---
Discretionary.....	(26,519,572)	(28,009,153)	(28,011,243)	(+1,491,671)	(+2,090)
Medical care collection fund.....	(1,386,000)	(1,800,000)	---	(-1,386,000)	(-1,800,000)
-----					
Total Discretionary (excluding MCCC)	(25,133,572)	(26,209,153)	(28,011,243)	(+2,877,671)	(+1,802,090)
=====					

TITLE II

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Public and Indian Housing

Housing Certificate Fund:					
Direct appropriation.....	12,938,913	---	14,230,606	+1,291,693	+14,230,606
Advance appropriations provided in previous acts..	4,172,700	---	4,200,000	+27,300	+4,200,000
Advance appropriations provided in current year...	4,200,000	---	4,200,000	---	+4,200,000
-----					
Subtotal.....	21,311,613	---	22,630,606	+1,318,993	+22,630,606
Appropriations.....	(17,111,613)	---	(18,430,606)	(+1,318,993)	(+18,430,606)
Advance appropriations prov. in current year	(4,200,000)	---	(4,200,000)	---	(+4,200,000)
-----					
Housing assistance for needy families:					
Direct appropriation.....	---	8,335,201	---	---	-8,335,201
Advance appropriations provided in previous acts..	---	4,200,000	---	---	-4,200,000
Advance appropriations provided in FY 2004.....	---	4,200,000	---	---	-4,200,000
-----					
Subtotal 1/.....	---	16,735,201	---	---	-16,735,201
Appropriations, FY 2004 1/.....	---	(12,535,201)	---	---	(-12,535,201)
Advance appropriations, FY 2004 1/.....	---	(4,200,000)	---	---	(-4,200,000)
-----					
Project based rental assistance 1/.....	---	4,823,405	---	---	-4,823,405
Rescission of unobligated balances.....	-1,600,000	-300,000	-1,372,000	+228,000	-1,072,000
Public housing capital fund.....	2,712,255	2,641,000	2,712,255	---	+71,255
Public housing operating fund.....	3,576,600	3,574,000	3,600,000	+23,400	+26,000
Revitalization of severely distressed public housing..	570,269	---	50,000	-520,269	+50,000
Native American housing block grants.....	644,782	646,600	661,600	+16,818	+15,000
Indian housing loan guarantee fund program account...	5,266	1,000	5,300	+34	+4,300
(Limitation on guaranteed loans).....	(197,243)	(27,473)	(197,243)	---	(+169,770)
Native Hawaiian housing block grant.....	---	10,000	---	---	-10,000
Native Hawaiian housing loan guarantee fund.....	1,028	1,000	1,000	-28	---
(Limitation on guaranteed loans).....	(39,712)	(35,348)	(35,348)	(-4,364)	---
-----					
Total, Public and Indian Housing (net).....	23,021,813	23,932,206	24,088,761	+1,066,948	+156,555
=====					
In addition:					
Advance appropriations, FY 2003 and FY 2004.	4,200,000	4,200,000	4,200,000	---	---
1/ The FY 2003 Act provided funds for these purposes under the Housing Certificate Fund account Community Planning and Development					
Housing opportunities for persons with AIDS.....	290,102	297,000	297,000	+6,898	---
Rural housing and economic development.....	24,837	---	25,000	+163	+25,000
Empowerment zones / enterprise communities.....	29,805	---	15,000	-14,805	+15,000
Community development fund.....	4,904,909	4,716,000	4,959,000	+54,091	+243,000
Colonias initiative (legislative proposal).....	---	16,000	---	---	-16,000
Urban development action grant (rescission).....	---	-30,000	-30,000	-30,000	---
Section 108 loan guarantees:					
(Limitation on guaranteed loans).....	(275,000)	---	---	(-275,000)	---
Credit subsidy.....	6,284	---	---	-6,284	---
Administrative expenses.....	993	---	---	-993	---
Brownfields redevelopment.....	24,837	---	25,000	+163	+25,000
HOME investment partnerships program.....	1,987,000	2,197,000	2,064,100	+77,100	-132,900
Homeless assistance grants.....	1,217,037	1,325,000	1,242,000	+24,963	-83,000
Samaritan housing initiative (legislative proposal)...	---	50,000	---	---	-50,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, Community planning and development.....	8,485,804	8,571,000	8,597,100	+111,296	+26,100
Housing Programs					
Housing for special populations.....	1,027,081	---	---	-1,027,081	---
Housing for the elderly 2/.....	---	773,636	773,320	+773,320	-316
Housing for persons with disabilities 2/.....	---	250,515	250,570	+250,570	+55
Housing counseling assistance.....	---	45,000	---	---	-45,000
Rental housing assistance (rescission).....	-100,000	-303,000	-303,000	-203,000	---
Manufactured housing fees trust fund.....	12,915	17,000	13,000	+85	-4,000
Offsetting collections.....	-13,000	-17,000	-13,000	---	+4,000
Total, housing programs.....	926,996	766,151	720,890	-206,106	-45,261
2/ The FY 2003 Act provided funds for these activities in the Housing for special populations account Government National Mortgage Association (GNMA)					
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans).....	(165,000,000)	(185,000,000)	(185,000,000)	(+20,000,000)	---
(Limitation on direct loans).....	(100,000)	(50,000)	(50,000)	(-50,000)	---
Administrative expenses.....	345,568	359,000	359,000	+13,432	---
Negative subsidy.....	-2,753,000	-2,921,000	-2,921,000	-168,000	---
Administrative contract expenses.....	85,163	85,000	85,000	-163	---
Additional contract expenses.....	993	1,000	1,000	+7	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans).....	(23,000,000)	(25,000,000)	(25,000,000)	(+2,000,000)	---
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses.....	222,262	229,000	229,000	+6,738	---
Negative subsidy.....	-225,000	-225,000	-225,000	---	---
Subsidy.....	14,902	15,000	15,000	+98	---
Non-overhead administrative expenses.....	93,170	93,700	93,780	+610	+80
Additional contract expenses.....	3,974	4,000	4,000	+26	---
Total, Federal Housing Administration.....	-2,211,968	-2,359,300	-2,359,220	-147,252	+80
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans).....	(200,000,000)	(200,000,000)	(200,000,000)	---	---
Administrative expenses.....	10,276	10,695	10,695	+419	---
Offsetting receipts.....	-358,000	-318,000	-318,000	+40,000	---
Policy Development and Research					
Research and technology.....	46,695	51,000	47,000	+305	-4,000
Fair Housing and Equal Opportunity					
Fair housing activities.....	45,601	50,000	46,000	+399	-4,000
Office of Lead Hazard Control					
Lead hazard reduction.....	174,856	136,000	130,000	-44,856	-6,000
Management and Administration					
Salaries and expenses.....	526,852	537,000	547,000	+20,148	+10,000
Transfer from:					
Limitation on FHA corporate funds.....	(544,639)	(564,000)	(564,000)	(+19,361)	---
GNMA.....	(10,276)	(10,695)	(10,695)	(+419)	---
Community Development Loan Guarantees Program.....	(993)	---	---	(-993)	---
Native American Housing Block Grants.....	(149)	(150)	(150)	(+1)	---
Indian Housing Loan Guarantee Fund Program....	(199)	(250)	(250)	(+51)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Native Hawaiian Housing Loan Guarantees.....	(35)	(35)	(35)	---	---
Total, Salaries and expenses.....	(1,083,143)	(1,112,130)	(1,122,130)	(+38,987)	(+10,000)
Working capital fund.....	274,504	276,300	240,000	-34,504	-36,300
Office of Inspector General.....	73,674	76,080	76,080	+2,406	---
(By transfer, limitation on FHA corporate funds)..	(23,343)	(24,000)	(24,000)	(+657)	---
Total, Office of Inspector General.....	(97,017)	(100,080)	(100,080)	(+3,063)	---
Consolidated fee fund (rescission).....	-8,000	---	---	+8,000	---
Office of Federal Housing Enterprise Oversight.....	29,805	32,415	32,415	+2,610	---
Offsetting receipts.....	-30,000	-32,415	-32,415	-2,415	---
=====					
Total, title II, Department of Housing and Urban Development.....	31,008,908	31,729,132	31,826,306	+817,398	+97,174
Appropriations.....	(36,095,908)	(35,875,547)	(37,040,721)	(+944,813)	(+1,165,174)
Rescissions.....	(-1,708,000)	(-633,000)	(-1,705,000)	(+3,000)	(-1,072,000)
Negative subsidy.....	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections.....	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations.....	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(Limitation on direct loans).....	(150,000)	(100,000)	(100,000)	(-50,000)	---
(Limitation on guaranteed loans).....	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds).....	(579,634)	(599,130)	(599,130)	(+19,496)	---
=====					

TITLE III

INDEPENDENT AGENCIES

American Battle Monuments Commission

Salaries and expenses..... 35,017 32,400 47,276 +12,259 +14,876

Chemical Safety and Hazard Investigation Board

Salaries and expenses..... 6,408 8,000 8,550 +2,142 +550  
Emergency fund..... --- --- 450 +450 +450  
Total..... 6,408 8,000 9,000 +2,592 +1,000

Department of the Treasury

Community Development Financial Institutions

Community development financial institutions fund  
program account..... 74,512 51,000 51,000 -23,512 ---

Consumer Product Safety Commission

Salaries and expenses..... 56,629 60,000 60,000 +3,371 ---

Corporation for National and Community Service

National and community service programs operating  
expenses..... 326,211 472,742 363,452 +37,241 -109,290  
National Service Trust..... 100,000 120,000 110,771 +10,771 -9,229  
Rescission..... -48,000 --- --- +48,000 ---  
Office of Inspector General..... 5,961 5,108 6,000 +39 +892  
Total..... 384,172 597,850 480,223 +96,051 -117,627

U.S. Court of Appeals for Veterans Claims

Salaries and expenses..... 14,233 16,220 15,938 +1,705 -282

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses.....	32,234	25,961	25,961	-6,273	---
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences...	83,528	78,774	80,000	-3,528	+1,226
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health.....	82,262	73,467	73,467	-8,795	---
-----					
Total, Department of Health and Human Services..	165,790	152,241	153,467	-12,323	+1,226
Environmental Protection Agency					
Science and Technology.....	715,579	731,483	767,115	+51,536	+35,632
Transfer from Hazardous Substance Superfund.....	85,608	44,697	44,697	-40,911	---
-----					
Subtotal, Science and Technology.....	801,187	776,180	811,812	+10,625	+35,632
Environmental Programs and Management.....	2,097,879	2,219,659	2,192,552	+94,673	-27,107
Office of Inspector General.....	35,766	36,808	36,808	+1,042	---
Transfer from Hazardous Substance Superfund.....	12,659	13,214	13,214	+555	---
-----					
Subtotal, OIG.....	48,425	50,022	50,022	+1,597	---
Buildings and facilities.....	42,639	42,918	42,918	+279	---
Hazardous Substance Superfund.....	1,264,614	1,389,716	1,275,000	+10,386	-114,716
Transfer to Office of Inspector General.....	-12,742	-13,214	-13,214	-472	---
Transfer to Science and Technology.....	-86,168	-44,697	-44,697	+41,471	---
-----					
Subtotal, Hazardous Substance Superfund.....	1,165,704	1,331,805	1,217,089	+51,385	-114,716
Leaking Underground Storage Tank Program.....	71,843	72,545	72,545	+702	---
Oil spill response.....	15,480	16,209	16,209	+729	---
State and Tribal Assistance Grants.....	2,692,000	1,918,500	2,419,750	-272,250	+501,250
Categorical grants.....	1,142,905	1,202,700	1,182,200	+39,295	-20,500
-----					
Subtotal, STAG.....	3,834,905	3,121,200	3,601,950	-232,955	+480,750
=====					
Total, EPA.....	8,078,062	7,630,538	8,005,097	-72,965	+374,559
Executive Office of the President					
Office of Science and Technology Policy.....	5,333	7,027	7,027	+1,694	---
Council on Environmental Quality and Office of Environmental Quality.....	3,011	3,238	3,238	+227	---
-----					
Total.....	8,344	10,265	10,265	+1,921	---
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer).....	(30,848)	(30,125)	(30,125)	(-723)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>General Services Administration</b>					
Federal Consumer Information Center Fund.....	11,466	17,643	12,500	+1,034	-5,143
<b>Interagency Council on the Homeless</b>					
Operating expenses.....	1,490	---	1,500	+10	+1,500
<b>National Aeronautics and Space Administration</b>					
Human space flight.....	6,165,658	---	---	-6,165,658	---
Space flight capabilities.....	---	7,782,100	7,806,100	+7,806,100	+24,000
Science, aeronautics and technology.....	9,147,815	---	---	-9,147,815	---
Science, aeronautics and exploration.....	---	7,660,900	7,707,900	+7,707,900	+47,000
Office of Inspector General.....	25,434	26,300	26,300	+866	---
<b>Total, NASA.....</b>	<b>15,338,907</b>	<b>15,469,300</b>	<b>15,540,300</b>	<b>+201,393</b>	<b>+71,000</b>
<b>National Credit Union Administration</b>					
Central liquidity facility:					
(Limitation on direct loans).....	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on administrative expenses, corporate funds).....	(309)	(310)	(310)	(+1)	---
Community Development Revolving Loan Fund.....	993	1,000	1,000	+7	---
<b>National Science Foundation</b>					
Research and related activities.....	3,988,902	4,038,360	4,238,360	+249,458	+200,000
Defense function.....	67,558	68,000	68,000	+442	---
<b>Subtotal.....</b>	<b>4,056,460</b>	<b>4,106,360</b>	<b>4,306,360</b>	<b>+249,900</b>	<b>+200,000</b>
Major research equipment and facilities construction..	148,538	202,330	192,330	+43,792	-10,000
Education and human resources.....	903,171	938,040	910,680	+7,509	-27,360
Salaries and expenses.....	189,115	225,700	215,900	+26,785	-9,800
National Science Board.....	3,477	---	3,800	+323	+3,800
Office of Inspector General.....	9,190	8,770	10,000	+810	+1,230
<b>Total, NSF.....</b>	<b>5,309,951</b>	<b>5,481,200</b>	<b>5,639,070</b>	<b>+329,119</b>	<b>+157,870</b>
<b>Neighborhood Reinvestment Corporation</b>					
Payment to the Neighborhood Reinvestment Corporation..	104,317	115,000	115,000	+10,683	---
<b>Selective Service System</b>					
Salaries and expenses.....	26,308	28,290	28,290	+1,982	---
<b>Total, title III, Independent agencies.....</b>	<b>29,648,833</b>	<b>29,696,908</b>	<b>30,195,887</b>	<b>+547,054</b>	<b>+498,979</b>
Appropriations.....	(29,696,833)	(29,696,908)	(30,195,887)	(+499,054)	(+498,979)
Rescissions.....	(-48,000)	---	---	(+48,000)	---
(By transfer).....	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans).....	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on corporate funds).....	(309)	(310)	(310)	(+1)	---
<b>Grand total (net).....</b>	<b>122,958,173</b>	<b>126,344,905</b>	<b>126,943,148</b>	<b>+3,984,975</b>	<b>+598,243</b>
Appropriations.....	(123,893,173)	(126,291,320)	(127,957,563)	(+4,064,390)	(+1,666,243)
Rescissions.....	(-1,756,000)	(-633,000)	(-1,705,000)	(+51,000)	(-1,072,000)
Negative subsidy.....	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections.....	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations.....	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(By transfer).....	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans).....	(1,653,929)	(1,604,241)	(1,604,241)	(-49,688)	---
(Limitation on guaranteed loans).....	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds).....	(579,943)	(599,440)	(599,440)	(+19,497)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
FSLIC resolution fund (mandatory).....	-4,000	-3,000	-3,000	+1,000	---
Housing assistance for needy families, advance appropriation provided in FY 2003 and FY 2004 1/	-4,200,000	-4,200,000	-4,200,000	---	---
Total, adjustments.....	-4,204,000	-4,203,000	-4,203,000	+1,000	---
Total (including adjustments).....	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Amounts in this bill.....	(122,958,173)	(126,344,905)	(126,943,148)	(+3,984,975)	(+598,243)
Scorekeeping adjustments.....	(-4,204,000)	(-4,203,000)	(-4,203,000)	(+1,000)	---
	=====	=====	=====	=====	=====
Total mandatory and discretionary.....	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Mandatory.....	31,576,860	32,706,712	32,706,712	+1,129,852	---
Discretionary.....	87,177,313	89,435,193	90,033,436	+2,856,123	+598,243
	=====	=====	=====	=====	=====

1/ The FY 2003 Act provided funds for these purposes  
under the Housing Certificate Fund account

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

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

Mr. Chairman, first let me express my appreciation to the gentleman from New York (Chairman WALSH) for his hard work and very capable efforts in putting together a very tough bill. I would like to express my appreciation to him. He has always been courteous. He is extremely capable and very responsive to both the substantive and procedural issues associated with moving this bill forward. That is greatly appreciated.

I want to join the gentleman in expressing our appreciation to our very capable staff. He has mentioned them all. Let me associate myself with his remarks. Both the majority and the minority have done a tremendous job under very tough circumstances.

Mr. Chairman, the appropriations bill being considered today provides appropriations for a broad array of Federal agencies. While our allocation of \$112.7 billion, of which \$90 billion represents discretionary spending, sounds large it is, in fact, not adequate to meet the varied needs of these important Federal agencies. It is a stretch to fund the growing number of veterans newly eligible for health care coverage, the renewal of long-standing housing commitments, and the necessity to increase investments in our Nation's research activities. Many accounts in this bill have been flat-funded for too long a period of time. Yes, this bill could use more money.

The veterans medical care increase of \$1.3 billion is far short of the \$2.4 billion increase provided last year. The Hope VI program is funded at a mere \$50 million, down from the current year's \$570 million. The EPA Clean Water Revolving Fund is \$150 million below the current year. And the CDFI fund is only provided the President's request of \$51 million, down from \$75 million.

□ 1415

I do intend to work with the Chairman to improve these accounts as the bill moves forward.

Of particular concern, Mr. Chairman, are the veterans accounts. They need attention. There were representations made by those who passed the budget resolution which created expectations that the budget resolution itself did not provide the allocation to meet. Those expectations are fairly out there, they were produced by the budget resolution.

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

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill, as a member of the committee but also as a veteran.

Since 1999, our Congress has provided an almost 40 percent increase for VA medical services. We provided in this bill over \$200 million in construction to repair and rehabilitate and realign VA facilities, and this bill also fully funds the demand for a National Cemetery Administration.

It is important to point out one key fact, though, that this bill fully funds the projected medical needs for all veterans 50 percent, service-connected disability and above. This bill funds all of the medical needs for all veterans 30 to 40 percent, service-connected. This bill fully funds all of the medical needs for prisoners of war, Purple Heart veterans and service-connected, 10 to 20 percent, service disability veterans.

We fully fund all of the medical needs for veterans with catastrophic problems. We fully fund all of the medical needs for no- and very-low-income veterans and, of course, fully fund the needs for the service-connected World War I, Mexican incident and Gulf War veterans.

Our veteran brothers want to make sure that this government honors, first, its commitment to service-connected veterans, and we want to make sure that our comrades in arms who are wounded and are still suffering have their needs fully met.

As a veteran, I can say that I want service-connected veterans to stand first; but there is another opportunity in this bill, and it will be addressed in an amendment coming up, and that is the chance to share resources with other Federal agencies, particularly the military. We have the chance in this legislation to save several hundred million dollars by sharing facilities between the Department of Defense and the Department of Veterans Affairs.

For example, in my own congressional District in north Chicago, Illinois, we provide excellent military health care at a naval hospital and excellent veterans health care at a VA center, but those two Federal institutions with separate galleys, separate security forces, separate steam and heating plants, separate medical staffs are 1 mile apart. This kind of geographic collocation happens in many parts of the country and the ability to combine these institutions gives us the opportunity to upgrade medical care, not just for the active duty, but for veterans.

It will happen in northern Illinois. It is happening in Denver. It is happening in New Mexico. It is happening in South Carolina.

So I urge support for this bill. I think this bill moves us forward, especially on the sharing issue, and it is important to note this bill meets all of the medical needs for veterans in categories 1, 2, 3, 4, 5, and 6.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in support of this bill, H.R. 2861, VA, HUD and Independent Agencies. As a member of the Subcommittee that oversees the VA, HUD appropriations, we are all in agreement that this bill leaves a lot to be desired. However, I

applaud the Chair, Mr. JAMES T. WALSH and the Ranking Member, Mr. ALAN B. MOLLOHAN for their leadership in moving this measure to the floor for a vote.

I also want to thank Mr. OBEY for his leadership in the Appropriation process and for raising so many concerns that we all have regarding funding cuts in programs in this bill and in other areas. He has so poignantly made it clear to all parties involved that "the tax cuts fostered by the Bush administration are swallowing up a huge share of the available money."

Mr. Chairman, I support this bill because of my deep concerns for the veterans in the 2nd District of Georgia and across the country, the needy and poor that live in substandard housing, and for all those who are affected by the downturn of the economy. I concur with some of my colleagues that some of the programs are woefully under-funded. However, I believe we must pass this bill to avoid any further delays in stimulating the economy. This bill provides \$137,500,000 for economic development initiatives.

We began the 108th Congress at FY02 funding levels. Many of the FY03 Appropriations bills were not passed until February of this year. We must not bog down this process any further. My constituents and others around the country are hurting. We must move this bill through the House in hopes of working out some of the major differences in Conference.

H.R. 2861 provides for \$90 billion in discretionary funds for the Veterans Affairs and, the Housing and Urban Development departments and other independent agencies for fiscal 2004. This bill also includes \$27.2 billion in fiscal 2004, an increase of \$1.4 billion. The largest component of the VA total is \$15.8 billion "for medical services for veterans with service-connected health needs."

Further, H.R. 2861 provides funding in fiscal 2004 for NASA in the amount of \$15.5 billion; \$5.6 billion for the National Science Foundation, a \$329 million increase over fiscal 2003; \$8 billion for the Environmental Protection Agency, which is \$375 million above the President's request but \$74 million below 2003; \$37 billion for HUD, which is \$942 million above last year and \$98 million over the President's request; \$480 million for the Corporation for National and Community Service, which is \$96 million above last year and \$118 million below the President's request. This funding level will be able to sustain 55,000 volunteers, and increase of 5,000 and \$60 million for the Consumer Product Safety Commission.

I also applaud both Mr. WALSH and Mr. MOLLOHAN for recognizing the need to maintain the HOPE VI program. The allocation of \$50,000,000 is not nearly enough to meet the needs of many of the severely distressed public housing facilities in my district and others alike. However, the committee has recognized the need to continue the program and went on record as willing to work with HUD in order to improve the overall performance and operation of the program.

The Committee's recommendation to zero out the Samaritan Housing Initiative, that provides assistance to the homeless community, was very alarming to many of the advocates in the housing community. Again, I am hopeful this issue will be addressed at the Conference level.

The Committee has made a valiant attempt to increase the funding for the National

Science Foundation (NSF). The Committee allocated \$5,639,070,000 to NSF to enhance its national policy on science, and to support basic research for research and education.

Further, H.R. 2861 provides for other allocations such as:

One VA Enterprise Architecture in the Veterans Administration budget, public Housing Operating Fund, HOPWA, Rural Housing and Economic Development; Empowerment Zones/Enterprise Communities; Community Development Fund, CDBG; Community Development Block Grant-Formula grants; Habitat for Humanity capacity building; Historically Black Colleges and Universities; Brownfield Redevelopment; HOME Program; HOME/CHDO Technical Assistance; Homeless Program; Housing for the Disabled; Rental Housing Assistance; Fair Housing and Equal Opportunity; Community Development Financial Institutions; Corporation for National and Community Service; STAG—State and Tribal Assistance Grants; Louis Stokes Alliance for Minority Participation (LSAMP); HBCU-UP and the Neighborhood Reinvestment Corporation.

Finally, H.R. 2861 provides for the establishment of a new provision in the Veterans' Budget to establish a \$250 enrollment fee for priority 7 and 8 veterans (those veterans who are not service connected or not impoverished). This level is nearly identical to the annual enrollment fee charged to TRICARE retirees. This new provision increases the co-pay on prescription drugs from \$7 to \$15 for a 30-day supply of pharmaceuticals prescribed for non-service connected conditions.

Mr. Chairman, I have some real concerns about the ability of some veterans to pay the \$250 enrollment fee and the increased fees for co-pay on prescription drugs, I am also hopeful that further consideration will be given to this issue at the Conference Committee level.

Mr. FARR. Mr. Chairman. I rise today in opposition of the rule for the VA/HUD Appropriations bill that shortchanges health care for our nation's veterans. The bill is \$2.1 billion below the GOP House Budget Resolution and \$3.3 billion below the veterans' consensus budget.

The Rules Committee created a rule for the VA/HUD bill that does not allow two amendments. The first seeks to add \$1.8 billion for veterans' health care, in order to fulfill the promise of the Republican budget. The second blocks an amendment by Representative EDWARDS of Texas to increase veterans' spending for VA medical by \$2.2 billion—to meet the funding promises in the GOP budget resolution, taking into account the costs of offsetting the enrollment fees and drug co-payments from the President's budget.

As it stands now, the VA/HUD bill provides \$25.2 billion for veterans' health care—\$1.8 billion less than was promised in the budget resolution House Republicans passed earlier this year (H. Con. Res. 95). Its increase from last year is \$1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain to me that the VA—HUD Appropriations bill will not meet veterans' needs.

My question is: when does the hypocrisy stop? When will Republicans realize that they can't pay lip-service to men and women who have shed blood on the battlefield for the very freedoms they enjoy? Since his inauguration, President Bush has championed the cause of the veteran, and along with the House Major-

ity, he has continually failed to put his money where his mouth is. We are fighting two wars under his Administration, creating thousands of new veterans—soldiers looking to come home and start their life with the help of the government they just defended. That same government has said, "Thanks for your sacrifice; sorry we can't do the same." No matter how many aircraft carriers you land on, Mr. President, that does not shrink waiting lines at VA clinics!

The Republican Party has provided a terrific show for veterans this year. Initially, the President's budget requests underfund the VA, and the House Budget Resolution approves funding levels below that of the President's. Then, the Appropriations Committee allocates \$1.8 billion less than the House Budget Resolution, and the Rules Committee approves a rule that bars amendments seeking to fill those funding gaps. All the while, they spin patriotism and "support the troops" rhetoric to further their political agenda.

This show has gone on long enough, and I think it is time this circus and its elephants left town.

Mr. RAMSTAD. Mr. Chairman, I rise today in strong opposition to the VA—HUD appropriations bill.

The funding level in the bill for veterans' health care is totally inadequate and breaks Congress' promise to America's veterans.

As a proud member of the American Legion, I agree with Minnesota Department Commander Michael Neubarth that it is "blatantly wrong to slash veterans' medical care by \$41.8 billion."

We should not break our promise to veterans to keep pace with hospital inflation and the increase in the number of enrolled veterans.

America's 25 million veterans deserve better. It's outrageous that 200,000 veterans have been waiting over 6 months for a basic health care appointment.

Congress should honor our Nation's veterans and take care of their medical needs as promised.

I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, this Member offers his strong support for H.R. 2861, the Veterans Affairs (VA)/Housing and Urban Development (HUD) Appropriations Act for FY2004. This Member would like to thank the chairman of the VA/HUD appropriations subcommittee, the distinguished gentleman from New York (Mr. WALSH) and the ranking member of the subcommittee, the distinguished gentleman from West Virginia (Mr. MOLLOHAN) for their dedication to crafting this measure.

#### 1. DEPARTMENT OF VETERANS ADMINISTRATION (VA)

This measure provides \$60.7 billion for veterans programs including \$27.2 billion for veterans health care. Although H.R. 2861 does not provide veterans funding equal to the levels authorized in the FY2004 congressional budget resolution (H. Con. Res. 95), the funding levels in H.R. 2861 exceed not only FY2003 appropriation levels by 5 percent but also the Administration's budget request. (This Member would remind his colleagues what he reminds his constituents about the congressional budget process—the levels in the budget resolution are a framework as Congress determines actual funding levels. Of course, the actual funding levels are determined through the annual appropriations process.)

Mr. Chairman, it is simply not true that, as often recently alleged by numerous sources, the Federal Government is cutting back on financial support for veterans' health care or that Congress or recent presidents are not supportive of veterans. Each year, Congress sets new records on the amount of appropriations for veterans' health care, not only because of higher health care costs but also due to a huge bulge of WWII and Korean War veterans who are understandably making larger demands for health care because of their age, plus a very large number of Vietnam War and other veterans who require medical care. During 2002, approximately 4.7 million individual veterans received VA medical care. Outpatient visits are increasing rapidly, with 43.8 million visits last year. Both the general VA inpatient caseload and acute care cases are also increasing, with the daily inpatient caseload projected to be over 57,000 and the acute care up 2,700 over last year. Yet thousands of veterans are on waiting lists for medical care, after waiting months for appointments to see medical staff.

Between FY1998 and FY2003, the appropriation has increased 4 percent, an increase nearly six times greater than the average increase of federal domestic programs. The appropriation for VA medical care in fiscal year 2003 jumped to \$23.8 billion—\$1.1 billion more than the President's request. Each year, the President asks for a far larger increase than in almost any other domestic program, and each year the Congress exceeds that request. In his budget request for FY2004, for example, the President has requested \$25.2 billion for VA medical care.

Mr. Chairman, the health care needs of military veterans must be met to the fullest extent possible, and this Member is committed to continuing to see that veterans receive the benefits they deserve with the resources available. Veterans fought to protect our freedom and way of life. As they served this nation in a time of need, the Federal Government must remember them in their time of need. The people of the U.S. owe veterans a great deal and should keep the promises made to them. Voting for H.R. 2861 is an important step in keeping those promises.

#### 2. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT INITIATIVE

This Member is pleased and appreciative that \$450,000 is appropriated in this bill as a HUD Economic Development Initiative (EDI) for Falls City, Nebraska. This appropriation, which could be used for economic development and job creation, represents a continuation of my efforts for Falls City. In the FY2003 appropriations bill, \$526,500 was earmarked as a CDBG EDI for the renovation of a Falls City business industry incubator building which is necessary for job creation.

Falls City is a community in extreme Southeast Nebraska, an area of the state with serious economic needs. For example, 51 percent of Falls City's population is categorized as either low or low-moderate income. Moreover, continuing a forty-year trend, the population of the City again has declined by 3.2 percent from 1990 to 2000. In addition, in July of 2001, the U.S. Department of Agriculture designated Richardson County, of which Falls City is the county seat, as a county in severe economic distress. As a result, this funding request for infrastructure is needed to help maintain the economic viability of Falls City.

This is the largest community and employment center in a four-county region that needs economic stimulation: very recent job losses have accentuated the problems; and this community and area really needs the help.

### 3. MISSOURI RIVER SANITARY SEWER CONNECTION BETWEEN NEBRASKA AND IOWA—\$400,000

This Member greatly appreciates the inclusion in the bill of \$400,000 toward the construction of a sanitary sewer connection across the Missouri River which is the boundary between Nebraska and Iowa. This new connector is a very immediate need for the community of South Sioux City, Nebraska, and a much more cost-effective approach than adding to a separate sewage treatment program in this Nebraska suburb of Sioux City, Iowa.

The existing connection is 40 years old and early last year, the trunk sewer carrying sewage between South Sioux City to the treatment plant in Sioux City, Iowa, broke. For several weeks, about 1.6 million gallons of raw sewage each day was dumped into the Missouri River. The sewer connector was eventually replaced, but the incident highlighted the need for a second connector. The new trunk line connector proposed is to be located south of the city. It would provide a more direct link to the regional sewage treatment plant in Sioux City.

Since the original sewer pipe was installed in the early 1960s, South Sioux City's population has increased more than 60 percent. Also, the community's industrial base (with difficult treatment requirements) continues to grow, which places an additional burden on the sewer system. In an effort to meet the growing needs for an improved sewer system, the city's residents have seen significant rate increases over the past several years, including a 27 percent jump in 2001 and a 37 percent jump in 2002. It is now clear that Federal assistance is necessary to assist this municipality meet this unusual and expensive infrastructure project.

### 4. INDIAN HOUSING LOAN GUARANTEE PROGRAM

This Member commends the support for the Section 184, American Indian Housing Loan Guarantee Program. An amount of \$5.3 million is appropriated for FY2004 for the Section 184 program which, it is estimated, would guarantee up to \$197.2 million in commercial loans for Indian families who would otherwise be unable to secure conventional financing due to the trust status of Indian reservation land. As the author of the Section 184 program, this Member strongly supports this innovative program.

This Member is particularly supportive of this funding level in light of the Administration's inadequate request of \$1 million for the Section 184 loan guarantee program for FY2004. Unfortunately, the Administration's request for FY2004 is projected to only guarantee up to \$27.5 million of commercial home loans for American Indians.

The Administration's inadequate request for the Section 184 program is also inconsistent with the Indian Lands Title Report Commission which was authorized into law in year 2000. In some parts of the country and on some Indian reservations, the Section 184 program is bringing results, while on others it is stymied. This can be attributed to the Bureau of Indian Affairs (BIA) apparent inability to oversee and track the leases and the rights in trust-held land which continues to inhibit mortgage loans on American Indian reservations.

To help solve this problem, the Indian Lands Title Report Commission was authorized to study the system of the BIA for maintaining land ownership records, title documents, and title status reports. Subsequently, Congress or the Executive Branch will be able to use the findings from this one-year commission to eliminate any BIA/HUD national or regional problems or barriers remaining to the use of Section 184 Indian Housing Loan Guarantee Program on American Indian reservations.

### 5. RURAL HOUSING EFFORTS BY HUD

This Member also would note his disappointment with the fact that the \$25 million which is appropriated for the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development in this appropriations bill. This Member testified earlier this year and also last year before the Veterans, HUD, and Independent Agencies Appropriations Subcommittee, that HUD should not be the source of funding rural housing and rural economic development projects. Although this Member has been and remains a strong and long-term advocate of rural housing and rural development during my tenure in the House, he believes that we need to avoid inappropriate duplication in the efforts of the Federal Government in rural housing and economic development. This Member supports the full funding (and even larger funding) of rural housing and economic development programs through the Rural Development offices of the United States Department of Agriculture. This is the agency that has the real interest and expertise to make such programs work in the more rural parts of non-metropolitan America; HUD does not.

### 6. AMERICORPS FUNDING

This Member is concerned about AmeriCorps funding. The bill provides a 25-percent increase in funds over FY2003. Indeed, including the \$64 million in the first supplemental appropriation passed in April, there is still a slight increase over last year. However, this amount is still inadequate to deal with the results of the bad management decisions that have occurred possibly since the very beginning of the program.

As a long-time AmeriCorps supporter and one of 19 original Republican cosponsors which created this program in 1993, this Member is disappointed to say that the administrative incompetence at the national level of AmeriCorps is largely responsible for creating the current situation. For example, it is amazing and totally unacceptable that AmeriCorps could not even provide an accurate count of the number of participants when asked. Instead, a very faulty and under-estimated count was provided to the Congress which then was used to establish what seemed a reasonable employee cap of 50,000 participants. A basic requirement of proper program administration, at least, is to know the number of people employed by the organization. Another problem is that the AmeriCorps drop-out rate was grossly over-estimated in allocating sufficient educational trust funds.

Real reforms must happen in this program that provides such excellent opportunities for thousands of people around the United States. This Member is hopeful that significant improvements can be made in a reauthorization bill before the end of the year.

Mr. Chairman, in closing, this Member urges his colleagues to vote in support of this important bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I rise in support of this bill, H.R. 2861, the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act for FY 2004; however, I do not agree with the rule regarding amendments that was published and allowed to govern the amendment process. H.R. 2861 provides \$25.2 billion for the health care of our war heroes, which is \$1.8 billion less than the amount promised under H. Con. Res. 95 introduced by the House Republicans and passed earlier this year. Because the rule precluded a bipartisan amendment that was offered by Reps. EVAN and SMITH, the \$1.8 billion for veterans' health care was effectively reneged on the Republicans' promise—at the expense of the lives of those who fought for us.

In providing \$25.2 billion overall for veterans' care, the Republicans congratulate themselves for increasing this budget allocation by \$1.4 billion from FY 2003. However, a \$1.4 billion increase fails to factor in hospital inflation, growth in the number of veterans enrolled in the programs, and the new costs associated with must needed infrastructure improvements associated with homeland security.

Last week, I supported H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. That legislation proposed to address shortfalls in the FY 2003 budget appropriations for Veterans' health care. Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and they are all more than 100 years old. The average age of our World War II veterans is more than 77 and we are losing 1,500 of them a day. We need to preserve their great legacy now.

Republican tax cuts and the shortfalls to the veterans' health plan will have a negative impact on the veteran community and the veteran-service healthcare facilities of Texas. In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list and due to the war in Iraq we will have new veterans in need of services. The Veterans' Administration Medical Center in the 18th Congressional District of Texas has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care to our veterans. The House Republican budget cuts veterans' benefits, including health care and education, by \$14.6 billion. The Republican budget cuts veterans programs in order to finance additional tax cuts that we cannot afford. To pay for those tax cuts, we will be leaving thousands of veterans who were disabled during their brave service to this country without the medical services they require—which is an atrocity and a national embarrassment. At a time when our economy is suffering, the Republican Party wants to take from the poor and disabled to give to the rich.

If H.R. 2861 passes without measures to make up for the \$1.8 billion lost in the Committee on Rules, a large economic burden would befall thousands of veterans who will then be forced to bear their medical expenses on their limited incomes. We must renew our

commitment to our nation's veterans who have already given to us.

In Congressional District 18, Harris County alone in 1998, total Veterans Administration patient care costs rose to \$240,868,665 and \$1,071,793,244 for all of Texas. An extrapolation of this figure with inflationary factors gives but a glimpse of the national shortfall for our veterans. This paints a dismal picture in light of the fact that five of the VA's 22 networks have already projected shortfalls in funding for veterans medical care by the year's end.

In a January 2003 letter, the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America and AMVETS, called on President Bush to propose a veteran's medical care appropriation of \$24.5 billion. However, the Administration has not heeded this budget advice from our veterans' organizations in any of the appropriations legislation passed thus far.

The Administration's budget emphasizes the need to reduce the huge backlog in claims for benefits submitted by veterans. During the first four months of fiscal year 2002, the number of rating cases awaiting a decision for over 180 days increased from 172,294 to 204,006. Our veterans are waiting for the VA to reduce claims processing time without sacrificing decision-making quality or the shirking of the VA's statutory duty to assist veterans develop their claims.

The budget as drafted in H.R. 2861 needs re-examination of its misguided priorities that will cause us to provide inadequate funding for health care for the men and women who have served our nation in uniform in order to allow tax cuts that will primarily benefit wealthier Americans.

Unfortunately, too often the President is simply unwilling to work with Congress to develop a fair budget. This means veteran's programs consistently fall prey to political considerations that have little to do with veterans. This year, funding lost to the tax cut will have a direct effect upon the amount of funds that remain available for discretionary priorities, like veterans' health care.

Absent protective amendments or other measures would mean there would be no additional funds available to implement the Homeless Veterans Comprehensive Assistance Act to work toward the goal of eliminating chronic homelessness in a decade. Furthermore, the Capital Assets Realignment for Enhanced Services (CARES) program, a comprehensive planning and evaluation process undertaken by the VA to assess the best use of its physical infrastructure would become a "de facto" closure commission with no ability to respond to veterans' needs for primary care, long-term care, and mental health projected by its own models. There would be little money leftover for any of the system's desperately needed construction and improvement projects.

Even more horrifying than the simple health care system problems, the scheduled shortfall for veterans' benefits would carry far-reaching negative implications. The Administration's Budget for 2004 in this bill makes no provision for additional service-connected disability benefits resulting from the present war with Iraq. As we know from the last war in the Persian Gulf, war results in adverse health effects and justifiable claims for service-connected disability compensation. It does acknowledge the

expected increase in veteran's claims and an expected worsening of the disabilities of some service-connected veterans. Under these circumstances, cuts in mandatory spending can only be made by cutting benefits to veterans with service-connected disabilities. With a death toll of 153 U.S. Troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to plan ahead for expenses that will stem from these deaths—as a courtesy to our fallen heroes at the very least.

Mr. Chairman and Ranking Member, I thank you for this opportunity I also thank those of my colleagues who supported my amendment to prohibit any funds from being used for "buyouts"—financial incentives to encourage retirement-until the National Aeronautics and Space Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

Mr. BARTON of Texas. Mr. Chairman, the committee report for H.R. 2861, the Department of Veterans' Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2004 (H. Rept. 108-235) contains non-legislative language concerning the phase out of metered dose inhalers (MDIs) containing chlorofluorocarbons (CFCs). This report language addresses a citizen petition which has been filed with the Food and Drug Administration as well as theoretical, future decisions by the Parties to the Montreal Protocol and contains various statements urging certain actions. I strongly object to directive language being placed within H. Rept. 108-235 since this language has not been subject to regular order and process in the committee of jurisdiction.

The Energy and Commerce Committee has jurisdiction over the phase-out of CFCs by virtue of its jurisdiction over Title VI of the Clean Air Act. The Committee, in fact, has substantially reviewed this matter in the past, holding numerous hearings concerning the implementation of Title VI, matters concerning methyl bromide, the structure and disbursements of the Multilateral Fund established by the Montreal Protocol, the schedules applicable to hydrochlorofluorocarbons (HCFCs) and other matters within the ambit of this title. In specific, the Subcommittee on Health and Environment of the Energy and Commerce Committee held a hearing on May 6, 1998 concerning Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered Dose Inhalers which received testimony from numerous witnesses, including the Department of State, the Environmental Protection Agency and the Food and Drug Administration. This hearing extensively explored the legal background and ongoing regulatory efforts concerning essential use allocations for CFC-based MDIs and the work of the Parties to the Montreal Protocol in this matter. The Committee has not acted, however, to review the citizen petition referred to in H. Rept. 108-235, nor has it considered what action may or may not be appropriate for the United States to take at upcoming Meetings of the Parties to the Montreal Protocol.

Mr. WELLER. Mr. Chairman, I rise today in strong support of the fiscal year 2004 VA-HUD Appropriations bill. First, let me thank and congratulate Chairman YOUNG, Chairman WALSH, and Members of the Appropriations

Committee for all of the hard work they have done in crafting this excellent bill. I am especially thankful for the increase of \$2.75 million to the Grants for Construction of State Extended Care Facilities, funding this vital program at a total of over \$102 million.

These grants are of great importance to America's veterans, providing many veterans with services they would otherwise be unable to receive. There is one such facility in my district I want to talk about, the Illinois Home for Veterans in LaSalle.

Located in my district, this Home provides intermediate and skilled nursing services for veterans, with a total capacity of 120 beds including 18 special needs beds for veterans suffering Alzheimer's Disease or related dementias. As successful as the Home has been, it is in need of new funding to expand its bed capacity.

With the ranks of those requiring VA care growing on a yearly basis, States already face huge financial burdens in helping to care for our veterans. The waiting list for admittance to the LaSalle home is as long as 2 to 3 years, with over 250 veterans waiting, many of which will go untreated or under treated due to lack of beds.

Recently, the State of Illinois enacted legislation authorizing an increase in the number of beds in this facility by 80. I have asked the State of Illinois to apply for the 65 percent Federal funding under this grant and to secure its 35 percent share of the matching funds for the LaSalle home to proceed with the construction.

In the past, the State has had problems with Federal funding from the State Home Construction Grant program. Specifically, the State made repairs and improvements to the Home in LaSalle and had not been awarded funding by the Federal Government for these projects through the grant program, or reimbursements from the program had been slow and piecemeal.

In consideration of this, I ask for inclusion into the VA-HUD Appropriations Conference Report, priority language which would read, "The Committee further encourages the Department to work with the State of Illinois as that State applies for a grant to expand the LaSalle facility."

With so many veterans in need of care, the Illinois Valley can no longer wait to obtain more beds in the veterans home.

Again, let me thank the Appropriations Committee for their hard work, and attention to this important matter.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,

July 18, 2003.

Hon. ROD BLAGOJEVICH,  
Governor, State of Illinois, Statehouse, Springfield, IL.

DEAR GOVERNOR BLAGOJEVICH, I am pleased to be writing you in regards to the legislation that you recently signed into law that will expand the Illinois Home for Veterans in LaSalle. Congratulations on this accomplishment!

As a result of this landmark legislation, I urge you to apply for federal funds from the State Home Construction Grant program, which could reimburse the State for up to 65% of the cost of the expansions.

As you may know, in the past, the State of Illinois had expressed concerns about the State Home Construction Grant program. Specifically, the State had made repairs and/or improvements to the home in LaSalle and

had not been awarded funding by the federal government for these projects through the grant program. Last July, after working with the Ryan Administration and the VA, the State was paid \$7.3 million as a reimbursement for renovations/improvements made to State veterans' homes. The State is no longer due any reimbursement funds from this program.

Included in legislation enacted in the 106th Congress were changes for the requirements needed for submitting an application. After submitting the application, the VA will assign it a priority (if it approves the application), and the State will then have 180 days to meet all necessary requirements, including proof of the 35 percent matching funds. With the new law that you have just signed that guarantees the State has the matching funds for the project, the expansion will likely be placed high on the priority list for FY2004 funding. The application deadline for submitting projects for FY2004 is August 15, 2003. Due to the budget problems that the State is now having, I strongly urge you to apply for federal funds through the State Home Construction Grant program.

As you may know, I offered amendments to the VA, Housing and Urban Development, and Independent Agencies appropriations bills in fiscal years 1999, 2000, and 2001 to increase the funding for veterans' state grants, which are used by the Manteno and LaSalle facilities for construction or addition of new beds or facilities. In FY2002 and FY2003, Congress fully funded the State Home Construction Grant Program, and President Bush has indicated that he will fully fund it in upcoming fiscal years. Our success with fully funding this program increases the chance that the state could be reimbursed for the LaSalle expansion project.

I am optimistic that funding for the LaSalle expansion would be awarded soon since this would most likely be designated by the VA as a Priority One project.

If you have any questions, please do not hesitate to contact Jack Dusik on my staff. Thank you for your support of the expansion.

Sincerely,

JERRY WELLER,  
Member of Congress.

Ms. WATERS. Mr. Chairman, I rise to express my serious concerns about the fiscal year 2004 VA–HUD Appropriations bill. This bill fundamentally shortchanges our veterans and it is no way to thank them for their sacrifice and their service.

Just about every day, we hear about one of our soldiers dying in Iraq for a war that was based on questionable evidence and inaccurate information from both our intelligence community and from the Administration.

Just as often, although we don't hear about it as much, our soldiers are being injured in Iraq, Afghanistan, Kuwait, the Philippines and the dozens of other countries to which they have been deployed. I thank each and every soldier for his or her courage, dedication and sacrifice made in order to protect our country and defend our freedom.

However, when it comes to thanking our soldiers and our veterans, it is not enough just to stand up and give a speech or wave a flag. My colleagues and I want to ensure that our soldiers have all the resources they need whenever they are deployed. Yet, we also must make certain that our soldiers have the resources they need when they return home. We must provide our soldiers and our veterans with the health care, the disability compensation, education and the many other benefits that they have earned and deserve.

This bill fails to provide the necessary resources our veterans need. The President and his party would rather provide trillions of dollars in tax cuts than pay for the health care of those who protect our freedom. It's tragic the way that this Administration pays lip-service to our soldiers but fails to fund programs that can improve the quality of lives of those who serve.

Because of the Bush tax cuts, this bill provides the VA with \$1.8 billion less than was promised even in the Republican Budget Resolution. In fact, the \$25.2 billion in VA funding in this bill does not even keep up with inflation which will put an even greater strain on the VA's already scarce resources.

There is already a shortage of qualified doctors and nurses. This bill will only exacerbate the problem. Too many of our veterans are forced to wait six or eight months to see a doctor. Because of the seriousness of their injuries, some even die before they have the opportunity to see a doctor. The inadequate funding in this bill will do nothing to alleviate the waiting periods. This is no way to treat our veterans.

We can and must do better than this sorry bill. I urge my colleagues to reject this bill, reject these unfair tax cuts, and provide the resources our veterans need.

Mr. ISRAEL. Mr. Chairman, I rise today to recall that George Washington once said that the "willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served in the past." Unfortunately, that is a lesson that still hasn't been learned in the city that bears his name. Today, the House considered legislation funding the Veterans Administration. This bill funds veterans' programs at a level \$1.8 billion less than was promised in the budget passed through the House just a few months ago.

Veterans' health care is no place to start slashing funding. We cannot send troops into war today and cut their vets benefits tomorrow. We cannot ask them to fight in Iraq and, then, when they come home tell them that we've slashed spending, causing veterans to lose access to VA health care. There is no excuse for trying to balance domestic budgets on the back of those willing to fight to protect our freedoms.

The funding level set out in the bill today does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. There is a staggering crisis in veterans' medical care: an average of 200,000 veterans are waiting six months or more for an appointment at Veterans Administration hospitals. Some are even dying before they get to see a doctor.

I have been working with colleagues in the House to prevent increases in prescription drug co-payments and enrollment fees and to increase investments in veterans' health in order to reduce these waits for medical appointments. It is generally acknowledged that veterans deserve a \$3.3 billion increase for medical care. The \$1.4 billion increase is inadequate to allow us to fulfill our obligations to those who have served our country so well.

This stinginess with our veterans health needs is unacceptable. As Americans are fighting for our freedom abroad, we must stand with them at home. But where will we stand tomorrow? Will we remember what we owe them? At the end of WWI, the British

Prime Minister David Lloyd George asked: "What is our task? To make Britain a fit country for heroes to live in." Our task is to make America a country fit for heroes to live in.

Our veterans deserve better. I urge my colleagues in voting to return this bill to the Appropriations Committee for reconsideration.

Mrs. MALONEY. Mr. Chairman, while I voted in favor of H.R. 2861, the FY04 VA–HUD-Independent Agencies bill, I am hopeful that more funding for veterans programs will be included in the conference report. America's brave servicemen and servicewomen deserve to have adequate health care and other benefits. I support increasing the funding for critical programs including Montgomery GI bill education benefits and compensation for service-connected disabilities.

Throughout history, America's military men and women have traveled around the world to fight for the causes of freedom and democracy. In this selfless pursuit, they knew that the battle would not always be easy. We owe them all an enormous debt of gratitude. It's up to us to fight for our veterans.

As this legislation moves forward it is my hope that significant improvement can be made in the housing sections. I am pleased that the bill contains none of the Administration's ill-conceived plans to privatize public housing, impose mandatory minimum rents or block grant Section 8. At the same time, I am hopeful that the funding levels for Hope VI, Section 8 and public housing can be increased. The insufficient funding for the public housing capital funds and operating funds will do severe damage to the nation's public housing residents. These citizens deserve better. The funding levels are so low that they thoroughly and finally refute HUD's claim that the public housing authorities can make up for the elimination of the drug elimination program with other funds. I also want to signal my strong support for increasing HOPWA funding as dictated by the Nadler-Shays-Crowley and am pleased it has been included in the bill.

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

I am satisfied with some parts of the bill. The Appropriations Committee has sensibly held off on making all funding decisions for programs at the National Aeronautics and Space Administration (NASA) until the Columbia Accident Investigation Board completes its report. The Committee will use the report of the board, along with NASA's response to the board's findings, as the basis for final action on NASA funding. I will be watching closely to see what the Committee provides. NASA funding has been relatively flat over the years, so I hope that final funding levels for NASA will exceed the 1 percent increase over fiscal year 2003 levels that is so far provided in this bill. I am pleased that the National Space Grant College and Fellowship program is funded at \$25.3 million, a level over the President's request and an increase from last year's levels.

Nonetheless, I am not at all satisfied with the funding this bill provides our Nation's veterans.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. For making these sacrifices they have been promised some benefits in return.

One of those benefits is adequate healthcare. Unfortunately, this bill falls far

short of what America's veterans were promised.

The Joint Explanatory Statement from the House and Senate managers on the fiscal year 2004 Budget Resolution states the "Conference Agreement provides for discretionary budget authority of \$29.96 billion for fiscal year 2004, an increase of \$3.4 billion, or 12.9 percent—nearly all of which is expected to be for Department of Veterans Affairs (VA) medical programs." But this bill only provides an increase of \$1.4 billion, which will not provide adequate funding for services these veterans deserve.

According to the VA, as of June 13, there were 134,287 veterans on waiting lists to receive treatment and over 51,000 of these veterans had been waiting for at least 6 months to just get an appointment. This is the result of the lack of resources the VA has today because of past underfunding.

American men and women are serving on the front lines in Afghanistan, Iraq, and around the world. When they are no longer serving under active duty for their country they should not be pushed aside and forgotten. Unfortunately, that is what the bill does.

Ms. HOOLEY of Oregon. Mr. Chairman, our veterans have made great personal sacrifices, and members of Congress have a responsibility to serve our retired military personnel, just as they served our country. But the needs of our veterans are not being met. Funding for medical care per veteran has steadily declined in constant dollars over the past decade while the number of veterans seeking health care has increased.

This bill includes a \$1.4 billion increase for veterans' health care from last year. Yet even this increase is woefully inadequate. This bill is still \$1.8 billion less than the amount promised in the House budget resolution and will do little to improve timely access to much-needed medical care.

In Oregon, the cost of medical care rose 7 percent last year, and the number of veterans seeking VA services rose 17 percent. And the number of veterans using the VA will only continue to increase. We must provide VA with the funds they need to provide veterans with the health care they deserve. This bill does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain that the VA-HUD Appropriations bill will not meet veterans needs.

Without adequate funds for the VA, our veterans will continue to wait in long lines at overburdened facilities.

The Portland VA Medical Center in Oregon currently has a waiting list of over 6000 veterans who want to see a primary care physician and it takes about 6 monthsh for even high priority veterans to see a physician. Last year, to make up a \$19 million budget shortfall, the Portland VA began reducing services and laid off about 10 percent of their personnel. The VA cannot provide quality health care to our veterans when they are forced to cut physicians while their caseload is increasing by 17%. Our veterans deserve better.

We must ensure that our promise to provide health care for all veterans is kept. We made that promise, we need to keep that promise.

Mr. EMANUEL. Mr. Chairman, I rise today to voice my concerns about how H.R. 2861 would adversely affect affordable housing in my home State of Illinois and across the United States. As a former vice chairman of

the Chicago Housing Authority, I am keenly aware of the benefits of "Section 8" grants.

The Section 8 voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. This program provides a critical source of support for more than 2 million families by making up the difference between what low-income people can afford to pay for housing and the cost of private rental payments. Without vouchers, many of these families would have no other choice but to live in overcrowded or unsafe housing, or worse yet, to become homeless.

Although today's bill improves upon the Bush Administration's Section 8 funding request, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office. The result of this shortfall will be that 85,000 families will not have the funding for their vouchers renewed.

Mr. Chairman, it is my hope that we can address these concerns when the Conference Committee meets later this year. If we fail to do so, 85,000 families will pay the price. We cannot in good conscience allow that to happen.

I am also concerned that this bill did not fund my priority request for the largest locally funded rent subsidy program in the country, the Chicago Low Income Housing Trust Fund. This highly successful program helps house almost 3,000 families with incomes as low as \$10,000 per year. It has had an enormously beneficial impact on my hometown, but there is considerable need for affordable housing, and we must do all that we can to continue supporting affordable rental units.

Mr. HOBSON. Mr. Chairman, I rise in support of the fiscal year 2004 Veterans Affairs/Housing and Urban Development (VA-HUD) and Independent Agencies Appropriations Bill which was approved Monday by the House Appropriations Committee.

Veterans' medical care has received generous funding increases over the last several years, an average of \$1.6 billion a year over the past 5 years. This represents an almost 50 percent increase under Republican leadership since 1999.

Building on that record, the fiscal year 2004 VA-HUD bill provides a \$1.4 billion increase over the previous year, making a total of \$27.2 billion available for Veterans' Health Administration. This brings veterans' health funding to the highest level in history.

It also triples funding over last year to repair and replace aging VA medical facilities and fully funds the VA's request to expedite claims processing at the Veterans Benefits Administration, bringing total funding to \$1 billion for this important initiative to reduce the backlog of claims for veterans' benefits.

This record level of funding will maintain nursing home care and ensure that all needy veterans receive the health care they deserve.

I am very pleased that the legislation also includes \$500,000, for the preliminary planning of a new ambulatory clinic at the Defense Supply Center campus in Columbus, OH.

The new clinic has been strongly supported by Rep. DEBORAH PRYCE, PAT TIBERI (R-Columbus) and other Members of the Ohio delegation; I am pleased it has been included in this bill to improve health care for the thousands of veterans in Central Ohio.

As a veteran, I am proud to support this legislation, which addresses the special needs of veterans across the country.

Mr. Chairman, I join today with my colleagues on the Appropriations Committee, and urge the approval of this appropriation bill by the House.

Mr. HONDA. Mr. Chairman, I rise today to voice my opposition to the fiscal year 2004 VA-HUD Appropriations bill. After passing sweeping tax cuts for the wealthy, the Republican majority in this House is once again telling the American people that not enough money is available to adequately fund programs for our Nation's veterans and poor.

Consider, for example, that this appropriations bill provides \$25.2 billion for veterans' health care—\$1.8 billion less than was promised in the Republican budget resolution passed earlier this year. While Republicans may assert that \$25.2 billion is a \$1.4 billion increase over fiscal year 2003 levels, the truth is that this modest "increase" does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

The bill will only exacerbate the crisis in veterans' medical care. In fact, in a recently released report, the American Legion concluded that an average of 200,000 veterans must routinely wait 6 months or more for an appointment at the Veterans Administration's hospitals. Sadly, some veterans die before they even see their doctor. It is shameful that this Congress is turning its back on the same veterans that fought for the safety of this nation. I will continue to fight to fulfill our obligation to those who have served our country so well.

Just as this bill shortchanges America's veterans, it also fails thousands of poor Americans that rely on Federal housing assistance. The VA-HUD Appropriations bill provides funding for the "Section 8" housing choice voucher program. The voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded or unsafe housing, or even worse, wind up homeless.

While the bill before us today improves upon the President's inadequate request for this program, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office and outside experts. Specifically, the House bill uses data on voucher costs that date as far back as April 2001. Mr. Chairman, as we all know, housing costs in most parts of the country have been steadily rising since then, and it is unrealistic to ignore those market trends in setting HUD's budget for the year.

If the shortfall in this bill is not addressed, 85,000 families will not have the funding for their vouchers renewed. This kind of cut would be unprecedented in the history of the voucher program. In fact, what we should be talking about today is how to make more vouchers available to families, not fewer. Only a fraction of eligible households receive vouchers, and most people face a several-year wait for a voucher.

And last but not least, I will be opposing the fiscal year 2004 VA-HUD Appropriations bill because it makes rash and unwise cuts in the AmeriCorps program, a program that embodies the spirit of altruism and service that has made our nation great.

In his 2002 State of the Union address, President Bush introduced the Freedom Corps program to further encourage volunteerism across our nation, asserting that “we need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools.” At that time, the President announced his goal for the Freedom Corps to “expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers.” In providing 20 percent less than the President’s request, the House fails to heed the President’s call for national service. Indeed, this bill will limit new enrollment in AmeriCorps to 55,000. The House, once again, is falling short of its responsibility to support all those Americans who so desperately need our help.

We can do much better than the bill before us today. I urge my colleagues to oppose H.R. 2861.

Mr. MOLLOHAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

Pursuant to the order of the House of today, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designee for the purpose of debate:

An amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

An amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

An amendment by Mr. EDWARDS regarding medical care for veterans;

An amendment by Mr. STEARNS regarding medical and prosthetic research;

An amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

An amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

An amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

An amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

An amendment by Mrs. CAPPS regarding science and technology programs of the Environmental Protection Agency;

An amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

An amendment by Mr. DINGELL regarding environmental programs and management;

An amendment by Mr. MARKEY regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

An amendment by Mr. HALL regarding NASA;

An amendment by Mr. MORAN of Kansas regarding beneficiary travel;

An amendment by Mr. ALLEN regarding the Clean Air Act, which shall be debatable for 20 minutes;

An amendment by Mr. MANZULLO regarding the Buy America Act;

An amendment by Mr. SANDERS or Mr. KANJORSKI regarding veterans integrated service networks;

An amendment by Mr. LYNCH regarding veterans;

An amendment by Mr. MOORE regarding Capital Asset Realignment and Enhanced Services;

An amendment by Mr. CASE regarding redesignation of Hawaiian counties;

An amendment by Ms. LEE or Ms. SCHAKOWSKY regarding homeless assistance grants, which shall be debatable for 20 minutes;

An amendment by Mr. INSLEE or Mr. HINCHEY regarding environment programs and management;

Two amendments by Ms. JACKSON-LEE of Texas regarding NASA, each of which shall be debatable for 5 minutes;

An amendment by Mr. BISHOP of New York regarding human testing of pesticides;

An amendment by Mr. MEEKS of New York regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2861

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION  
COMPENSATION, PENSION AND BURIAL BENEFITS  
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on

behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$29,845,127,000, to remain available until expended: *Provided*, That not to exceed \$17,617,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses” and “Medical services for priority 1-6 veterans” for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans’ Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the “Compensation, pension and burial benefits” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$2,529,734,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$29,017,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, subchapters I-III, as amended: *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, as amended: *Provided further*, That during fiscal year 2004, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans, 38 U.S.C. 3711(i).

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$154,850,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

EDUCATION LOAN FUND PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *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, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, \$70,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$52,000, as authorized by 38 U.S.C. chapter 31, as amended: *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, as amended: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,938,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$300,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$571,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of \$40,000,000 may be made in fiscal year 2004.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed \$350,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services for priority 1-6 veterans) may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES FOR PRIORITY 1-6 VETERANS

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs other than veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$15,779,220,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not less than \$200,000,000 is for the equipment object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further*, That of the funds made available under this heading, not to exceed \$700,000,000 shall be available until September 30, 2005.

MEDICAL SERVICES FOR PRIORITY 7-8 VETERANS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs who are veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes

as authorized by section 1741 of title 38, United States Code; \$2,164,000,000, plus reimbursements: *Provided*, That of the amounts provided under this heading, \$1,500,000,000 shall be derived from amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, and transferred to this account, to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, \$408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901-5902 of title 5, United States Code; and administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,854,000,000, of which \$300,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That funds available under this heading may be transferred to "Medical Services for Priority 1-6 Veterans" or to "Medical Services for Priority 7-8 Veterans" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

MEDICAL FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$4,000,000,000: *Provided*, That of the funds made available under this heading, not less than \$80,000,000 is for the land and structures object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further*, That funds available under this heading may be transferred to "Medical Services for Priority 1-6 Veterans" or to "Medical Services for Priority 7-8 Veterans" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not other-

wise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,283,272,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,005,000,000: *Provided further*, That of the funds made available under this heading, not to exceed \$66,000,000 shall be available for obligation until September 30, 2005: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: *Provided further*, That travel expenses for this account shall not exceed \$17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, \$144,223,000, to remain available until September 30, 2005.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$61,750,000, to remain available until September 30, 2005.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$274,690,000, to remain available until expended, of which \$173,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading

shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2004, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2004; and (2) by the awarding of a construction contract by September 30, 2004: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than \$4,000,000, \$252,144,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000, of which \$35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: *Provided further*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical facilities".

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131-8137, \$102,100,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans

cemeteries as authorized by 38 U.S.C. 2408, \$32,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2004 for "Compensation, pension and burial benefits", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109 hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7904 or 42 U.S.C. 5141-5204), unless reimbursement of cost is made to the Medical care collections fund account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for "Compensation, pension and burial benefits", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2003.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2004 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation, pension and burial benefits".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2004, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2004 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2004 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Af-

fairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103-356 until October 1, 2004: *Provided*, That the Franchise Fund, established by title I of Public Law 104-204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2004.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2004 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,318,000 for the Office of Resolution Management and \$3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. Of the amounts provided in this Act, \$25,000,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 114. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107-287.

SEC. 115. Notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who have service-connected disability, who are lower-income veterans, or who have special needs.

SEC. 116. (a) The Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care. Notwithstanding section 3302(b) of title 31, United States Code, amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under "Medical services for priority 7-8 veterans" and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor.

(b) All amounts so collected under subsection (a) with respect to a designated health care region (as that term is defined in section 1729A(d)(2) of title 38, United States

Code) shall be allocated, net of payments to the contractor, to that region.

SEC. 117. Amounts made available for Medical Services are available—

(1) for furnishing veterans provided Medical Services with recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

SEC. 118. Balances in excess of \$1,500,000,000 in the Medical Care Collections Fund as of August 1, 2004 shall be transferred to "Medical services for priority 7-8 veterans" for the purposes under that heading to be available until expended.

SEC. 119. Amounts made available for fiscal year 2004 under the "Medical services for priority 1-6 veterans" and "Medical services for priority 7-8 veterans" accounts may be transferred between either account to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is ten percent in fiscal year 2004.

SEC. 120. The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known as designated as the "Michael E. DeBakey Department of Veterans Affairs Medical Center". Any reference in any law, regulation, map, document, record, or other paper of the United States to such medical center shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

TITLE II—DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
HOUSING CERTIFICATE FUND  
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$18,430,606,000, and amounts that are recaptured in this account, to remain available until expended: *Provided*, That of the amounts made available under this heading, \$14,230,606,000 and the aforementioned recaptures shall be available on October 1, 2003 and \$4,200,000,000 shall be available on October 1, 2004: *Provided further*, That amounts made available under this heading are provided as follows:

(1) \$16,295,578,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): *Provided*, That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency, (including for agencies participating in the Moving to Work demonstration, unit months

representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported on such statement: *Provided further*, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) \$568,503,000 for a central fund to be allocated by the Secretary for amendments to section 8 tenant-based annual contributions contracts for such purposes set forth in this paragraph: *Provided*, That subject to the following proviso, the Secretary may use amounts made available in such fund, as necessary, for contract amendments resulting from a significant increase in the per unit cost of vouchers or an increase in the total number of unit months under lease as compared to the per unit cost or the total number of unit months provided for by the annual contributions contract: *Provided further*, That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended fifty percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within thirty days of a request from such agency: *Provided further*, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided in this paragraph in accordance with the directions specified in the report accompanying this Act;

(3) \$206,495,100 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) \$48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed \$1,209,020,000 for administrative and other expenses of public housing agencies in administering the section 8 ten-

ant-based rental assistance program: *Provided*, That, notwithstanding any other provision of law or regulation, the Secretary shall allocate funds provided in this paragraph among public housing agencies in a manner prescribed by the Secretary: *Provided further*, That none of the funds provided in this Act or any other Act may be used to supplement the amounts provided in this paragraph: *Provided further*, That, hereafter, the Secretary shall recapture any funds provided under this heading in this Act or any other Act for administrative fees and other expenses from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: *Provided further*, That all such administrative fee amounts provided under this paragraph shall be only for activities directly related to the provision of rental assistance under section 8;

(6) \$100,000,000 for contract administrators for section 8 project-based assistance; and

(7) not less than \$3,010,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian Housing": *Provided*, That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1) or (2), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: *Provided further*, That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: *Provided further*, That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: *Provided further*, That \$1,372,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2003 and prior years, to be effected by the Secretary no later than September 30, 2004: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND  
(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") \$2,712,255,000, to remain available until September 30, 2007: *Provided*, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, \$429,000,000

shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 2001 and 2002 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: *Provided further*, That notwithstanding any other provision of law or regulation, during fiscal year 2004, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004: *Provided further*, That with respect to any amounts made available under the Public Housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, 2003, or 2004 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under section 6(j) of the Act to be high-performing: *Provided further*, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That if the Secretary issues a regulation for effect implementing section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), the first and third provisos under this heading shall cease to be effective: *Provided further*, That of the total amount provided under this heading, up to \$51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which \$13,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: *Provided further*, That of the total amount provided under this heading, up to \$500,000 shall be for lease adjustments to section 23 projects, and no less than \$10,610,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to \$40,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2004: *Provided further*, That of the total amount provided under this heading, \$55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996.

The first proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking "1998, 1999".

#### PUBLIC HOUSING OPERATING FUND

For 2004 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), \$3,600,000,000: *Provided*, That of the total amount provided under this heading, \$10,000,000 shall be for

programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That in 2004 and hereafter, no amounts provided under this heading may be used for payments to public housing agencies for the costs of operation and management of public housing in any year prior to the current year.

#### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, \$50,000,000, to remain available until September 30, 2005, of which the Secretary may use up to \$500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS (INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$661,600,000, to remain available until expended, of which \$2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which \$5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel; and of which no less than \$2,720,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": *Provided*, That of the amount provided under this heading, \$1,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$8,049,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$5,300,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

#### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$35,347,985.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

#### COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$297,000,000, to remain available until September 30, 2005: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to \$2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

#### RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$25,000,000 to remain available until expended, which amount shall be competitively awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

#### EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, \$15,000,000, to remain available until September 30, 2005, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including \$1,000,000 for each empowerment zone for use in conjunction with economic development activities

consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND  
(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,959,000,000, to remain available until September 30, 2006: *Provided*, That of the amount provided, \$4,538,650,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: *Provided further*, That \$72,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; \$3,300,000 shall be for a grant to the Housing Assistance Council; \$2,400,000 shall be for a grant to the National American Indian Housing Council; \$5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed \$2,000,000 and for a program of affordable housing acquisition and rehabilitation; \$5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which \$500,000 is for technical assistance and fund management, and \$4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; \$43,000,000 shall be for grants pursuant to section 107 of the Act, of which \$9,500,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996; no less than \$4,900,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under "Community planning and development"; \$28,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; \$33,250,000 shall be for capacity building, of which \$28,250,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than \$5,000,000 of the funding to be used in rural areas, including tribal areas, and of which \$5,000,000 shall be for capacity building activities administered by Habitat for Humanity International; \$65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided* That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: *Provided further*, That of the amount made available for YouthBuild not less than \$10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and

\$2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, \$21,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the report accompanying this Act.

Of the amount made available under this heading, \$137,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the report accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations.

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended with respect to the amount made available to the North Carolina Community Land Trust Initiative by striking "North Carolina Community Land Trust Initiative" and inserting "Orange Community Housing and Land Trust."

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended with respect to the amount made available to the Willacy County Boys and Girls Club in Willacy County, Texas by striking "Willacy County Boys and Girls Club in Willacy County, Texas" and inserting "Willacy County, Texas".

The referenced statement of the managers under this heading in Public Law 108-10 is deemed to be amended with respect to item number 17 by striking "for sidewalks, curbs, street lighting, outdoor furniture and façade improvements in the Mill Village neighborhood" and inserting "for the restoration and renovation of houses within the Lincoln or Dallas mill villages".

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended with respect to the amount made available to the Metropolitan Development Association in Syracuse, New York by inserting "and other economic development planning and revitalization activities" after the word "study".

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended with respect to the amount made available to the Staten Island Freedom Memorial Fund by striking all "Staten Island Freedom Memorial Fund for the construction of a memorial in the Staten Island community of St. George, New York" and inserting "Staten Island Botanical Garden for construction and related activities for a healing garden".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 526 by striking "for an economic development study for the revitalization of Westchester" and inserting "for the reconstruction of renaissance plaza at Main and Mamaroneck in downtown White Plains".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution,

2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 877 by striking "West Virginia High Technology Consortium Foundation, Inc. in Marion County, West Virginia for facilities construction for a high-tech park" and inserting "Glenville State College in Glenville, West Virginia for construction of a new campus community education center".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 126 by striking "for construction of" and inserting "for facilities improvements and build out for".

URBAN DEVELOPMENT ACTION GRANTS  
(RESCISSION)

From balances of the Urban Development Action Grant Program, as authorized by title I of the Housing and Community Development Act of 1974, as amended, \$30,000,000 are canceled.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until September 30, 2005.

HOME INVESTMENT PARTNERSHIPS PROGRAM  
(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,939,100,000, to remain available until September 30, 2006: *Provided*, That of the total amount provided in this paragraph, up to \$40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968 and no less than \$2,100,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Community planning and development".

In addition to amounts otherwise made available under this heading, \$125,000,000, to remain available until September 30, 2006, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: *Provided*, That the Secretary shall provide such assistance in accordance with a formula to be established by the Secretary that considers a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers.

HOMELESS ASSISTANCE GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,242,000,000, of which \$1,222,000,000 to remain available until September 30, 2006, and of which \$20,000,000 to remain available until expended: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee:

*Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That \$12,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That no less than \$2,580,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Community planning and development".

## HOUSING PROGRAMS

## HOUSING FOR THE ELDERLY

## (INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$773,320,000, plus recaptures and cancelled commitments, to remain available until September 30, 2006, of which amount \$50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use: *Provided*, That of the amount made available under this heading, \$16,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That no less than \$470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for housing for elderly, as authorized by section 202, for project rental assistance for housing for the elderly, as authorized under section 202(c)(2) of such Act, including amendments to contracts shall be

transferred to and merged with the amounts for those purposes under this heading.

HOUSING FOR PERSONS WITH DISABILITIES  
(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$250,570,000, plus recaptures and cancelled commitments to remain available until September 30, 2006: *Provided*, That no less than \$470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided further*, That of the amount provided under this heading, other than amounts for renewal of expiring project-based or tenant-based rental assistance contracts, the Secretary may designate up to 25 percent for tenant-based rental assistance, as authorized by section 811 of such Act, (which assistance is five years in duration): *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed five years in duration: *Provided further*, That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for supportive housing for persons with disabilities, as authorized by section 811, for project rental assistance for supportive housing for persons with disabilities, as authorized under section 811(d)(2), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1), shall be transferred to and merged with the amounts for these purposes under this heading.

FLEXIBLE SUBSIDY FUND  
(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2003, and any collections made during fiscal year 2004, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE  
(RESCISSION)

Up to \$303,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 2004: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2004 by not more than \$303,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in prior appropriations Acts.

## MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974,

as amended (42 U.S.C. 5401 et seq.), up to \$13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than \$0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2004 appropriation.

FEDERAL HOUSING ADMINISTRATION  
MUTUAL MORTGAGE INSURANCE PROGRAM  
ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2004, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$185,000,000,000.

During fiscal year 2004, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$359,000,000, of which not to exceed \$355,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed \$4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, \$85,000,000, of which no less than \$20,744,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided*, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2004, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$15,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$25,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000, of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale

of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$229,000,000, of which \$209,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which \$20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$93,780,000, of which no less than \$16,946,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided*, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2004, an additional \$1,980 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

GOVERNMENT NATIONAL MORTGAGE  
ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES  
LOAN GUARANTEE PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000, to remain available until September 30, 2005.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$10,695,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$10,695,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH  
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$47,000,000, to remain available until September 30, 2005: *Provided*, That of the total amount provided under this heading, \$7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY  
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$46,000,000, to remain available until September 30, 2005, of which \$20,250,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL  
LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residen-

tial Lead-Based Paint Hazard Reduction Act of 1992, \$130,000,000, to remain available until September 30, 2005, of which \$10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards.

MANAGEMENT AND ADMINISTRATION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$25,000 for official reception and representation expenses, \$1,122,130,000, of which \$564,000,000 shall be provided from the various funds of the Federal Housing Administration, \$10,695,000 shall be provided from funds of the Government National Mortgage Association, \$150,000 shall be provided by transfer from the "Native American housing block grants" account, \$250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and \$35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (a) appoint qualified personnel to conduct investigations of potential or actual violations; (b) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (c) establish guidelines and timeframes for the conduct and completion of investigations; (d) prescribe the content, format and other requirements for the submission of final reports on violations; and (e) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That the Secretary shall fill 7 out of 10 vacancies at the GS-14 and GS-15 levels until the total number of

GS-14 and GS-15 positions in the Department has been reduced from the number of GS-14 and GS-15 positions on the date of enactment of Public Law 106-377 by 2½ percent: *Provided further*, That the Secretary shall submit a staffing plan for the Department by November 15, 2003.

The tenth proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking "the purpose of" and inserting "purposes of funds control and" and before the colon insert the following "", except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract".

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, \$240,000,000, to remain available until September 30, 2005: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$100,080,000, of which \$24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further*, That no less than \$300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND  
(RESCISSION)

All unobligated balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2003 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE  
OVERSIGHT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$32,415,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and

such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2004 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2004 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2004 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2004, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106-74 (113 Stat. 1076), is amended by striking “year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002”, and inserting “years 2000, 2001, 2002, 2003, and 2004”.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2004 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2004, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and

(18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 208. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 209. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 210. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2004, HUD shall transmit this information to the Committees by November 15, 2003 for 30 days of review.

SEC. 211. A public housing agency or such other entity that administers Federal hous-

ing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

#### TITLE III—INDEPENDENT AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$47,276,000 (of which \$10,000,000 shall not become available until September 1, 2004), to remain available until expended.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

###### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$8,550,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

###### EMERGENCY FUND

For necessary expenses of the Chemical Safety and Hazard Investigation Board for accident investigations not otherwise provided for, \$450,000, to remain available until expended.

##### DEPARTMENT OF THE TREASURY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

###### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$51,000,000, to remain available until September 30, 2005, of which \$3,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native

Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to \$13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to \$6,000,000 may be used for the cost of direct loans, and up to \$250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$11,000,000.

CONSUMER PRODUCT SAFETY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$60,000,000: *Provided*, That up to \$1,000,000 is for purposes of carrying out the Inspector General Act of 1978.

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS  
OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), \$363,452,000, to remain available until September 30, 2005: *Provided*, That not more than \$30,500,000 shall be available for administrative expenses authorized under section 501(a)(4): *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That \$244,352,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), and for grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the Act): of which not more than \$50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$10,000,000 of the funds made available under this heading shall be for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activi-

ties described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That not less than \$24,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than \$6,100,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: *Provided further*, That not more than \$3,500,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

NATIONAL SERVICE TRUST

For payment of educational awards authorized under subtitle D of title I of the National Community Service Act of 1990 (42 U.S.C. 12601), \$110,771,000, to remain available until expended; of which \$5,000,000 shall be available for national service scholarships for high school students performing community service, and \$10,000,000 shall be held in reserve as defined in Public Law 108-45: *Provided*, That the Corporation for National and Community Service shall enroll no more than 55,000 volunteers in the National Service Trust with the funds provided in this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2005.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS  
CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251-7298, \$15,938,000 of which \$1,175,000 shall be available for the purpose of providing financial assistance as described, and in accord-

ance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL  
CEMETERIAL EXPENSES, ARMY  
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$25,961,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

NATIONAL INSTITUTES OF HEALTH  
NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$80,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE  
REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL  
PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$73,467,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2004, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY  
SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair,

rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$767,115,000 which shall remain available until September 30, 2005.

#### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$9,000 for official reception and representation expenses, \$2,192,552,000, which shall remain available until September 30, 2005, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$36,808,000, to remain available until September 30, 2005.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$42,918,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; \$1,275,000,000, to remain available until expended, consisting of \$200,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, and \$1,075,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$13,214,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2005, and \$44,697,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2005.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project,

\$72,545,000, to remain available until expended.

#### OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$16,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,601,950,000, to remain available until expended, of which \$1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to \$68,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; \$850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$25,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$195,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the report accompanying this legislation; \$8,250,000 for grants for construction of alternative decentralized wastewater facilities under the National Decentralized Wastewater Demonstration program, in accordance with the terms and conditions specified in the report accompanying this legislation; \$93,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and \$1,180,200,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities, of which and subject to terms and conditions specified by the Administrator, \$50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and \$20,000,000 shall be for National

Environmental Information Exchange Network grants, including associated program support costs: *Provided*, That for fiscal year 2004, State authority under section 302(a) of Public Law 104-182 shall remain in effect: *Provided further*, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2004 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2004, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2004, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That the referenced statement of the managers under this heading in Public Law 108-7, item number 383, is deemed to be amended by adding after the word "overflow", "and water infrastructure": *Provided further*, That the referenced statement of the managers under this heading in Public Law 108-07, item number 255, is deemed to be amended by inserting "water and" after the words "Mississippi for": *Provided further*, That the referenced statement of the managers under this heading in Public Law 108-07, item number 256, is deemed to be amended by adding after the word "for", "water and".

#### ADMINISTRATIVE PROVISIONS

For fiscal year 2004, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2003.

Section 136a-1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking “2003” and inserting “2004”;

(2) in subsection (i)(5)(H) by striking “2003” and inserting “2004”;

(3) in subsection (i)(6) by striking “2003” and inserting “2004”; and

(4) in subsection (k)(3)(A) by striking “2003” and inserting “2004”.

#### EXECUTIVE OFFICE OF THE PRESIDENT

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$7,027,000.

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,238,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### FEDERAL DEPOSIT INSURANCE CORPORATION

###### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,125,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

##### GENERAL SERVICES ADMINISTRATION

###### FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, \$12,500,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount of \$18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2004 in excess of \$18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

##### INTERAGENCY COUNCIL ON THE HOMELESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on

the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$1,500,000.

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SPACE FLIGHT CAPABILITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of space flight capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$7,806,100,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to “Science, aeronautics and exploration” in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106-377.

##### SCIENCE, AERONAUTICS AND EXPLORATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$7,707,900,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to “Space flight capabilities” in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106-377.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$26,300,000.

##### ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for “Science, aeronautics and exploration”, or “Space flight capabilities” by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for “Science, aeronautics and exploration”, or “Space flight capabilities” by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2006.

From amounts made available in this Act for these activities, the Administration may transfer amounts between aeronautics of the “Science, Aeronautics and Exploration” account and crosscutting technologies of the “Space flight capabilities” account.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

##### NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY (INCLUDING TRANSFER OF FUNDS)

During fiscal year 2004, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2004 shall not exceed \$310,000.

##### COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,000,000 for technical assistance to low-income and community development credit unions.

##### NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$4,306,360,000, of which not more than \$355,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2005: *Provided*, That receipts for scientific support services and materials furnished by the National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the

amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally and used for authorized purposes of this account.

MAJOR RESEARCH EQUIPMENT AND FACILITIES  
CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, \$192,330,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$910,680,000, to remain available until September 30, 2005: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$215,900,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2004 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$3,800,000: *Provided*, That not more than \$9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$10,000,000, to remain available until September 30, 2005.

NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD  
REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$115,000,000.

ADMINISTRATIVE PROVISION

Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by—

(1) striking out "compensation" and inserting "salary"; and striking out "highest rate provided for GS-18 of the General Schedule under section 5332 of title 5 United States Code"; and inserting "rate for level IV of the Executive Schedule"; and

(2) inserting after the end the following sentence: "The Corporation shall also apply the provisions of section 5307 (a)(1), (b)(1), and (b)(2) of title 5, United States Code, governing limitations on certain pay as if its employees were Federal employees receiving payments under title 5."

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$28,290,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. 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. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Officer or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive

Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 411. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 412. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds

under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 415. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 416. 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. 417. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 418. Section 312 of the National Aeronautics and Space Administration of 1958, as amended, is further amended—

(1) by striking the second Sec. "312" and inserting "313";

(2) by inserting the title, "Full Cost Appropriations Account Structure", before Sec. 313;

(3) in subsection (a)—

(A) by striking "Human space flight" and inserting "Space flight capabilities";

(B) by striking "technology" and inserting "exploration"; and

(C) by striking "2002" and inserting "2004"; and

(4) by striking subsection (c), and inserting the following new subsection:

"(c) The unexpired balances of prior appropriations to the Administration for activities authorized under this Act may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions".

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 11, 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 New York?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments?

AMENDMENT NO. 13 OFFERED BY MR. KIRK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KIRK:

Under Title I, Department of Veterans Affairs, Administrative Provisions, add the following new section:

SEC. . The Secretary of Veterans Affairs shall maximize, to the greatest extent possible, sharing agreements for services, programs and facilities with the Department of Defense, particularly in areas where facilities and/or targeted populations are in close proximity: Provided, That the Secretary of Veterans Affairs shall submit a report to the Committees on Appropriations no later than December 1, 2003, detailing restrictive regulations, policies, and regulatory redundancies that inhibit resource sharing, and provide milestone dates to address each identified issue.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

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

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

Mr. KIRK. Mr. Chairman, this is a technical amendment that calls on the Department of Defense to submit a report to Congress on resource sharing agreements for services, programs and facilities the Department undertakes with the Department of Defense.

I understand this amendment has been cleared with the majority and minority.

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

Mr. KIRK. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We are prepared to accept the amendment. I thank the gentleman for his diligence, and we think this will help the bill.

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

Mr. KIRK. I yield to the gentleman from West Virginia, our distinguished ranking minority member.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the Kirk amendment.

Mr. KIRK. Mr. Chairman, I rise today to offer a technical amendment that calls on the Department of Veterans Affairs (VA) to submit a report to Congress reporting on resource sharing agreements for services, programs and facilities the department undertakes with the Department of Defense (DoD).

Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. It is clear from all the studies undertaken by the departments of Defense and Veterans' Affairs that the integration of health care services—where possible—will enhance the quality of care for the men and women who are serving our country today and those who served our nation in the past.

My district is home to the North Chicago VA Medical Center and the Great Lakes Naval Hospital. During the last Administration, officials came two attempts to close the North Chicago VA Medical Center. On June 19, 2001 the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to improve veterans health care in the Chicago

area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level of cooperative between North Chicago VA and the Great Lakes Naval Hospital, located less than a mile apart.

Integration of the two medical facilities is both practical and also urgent in North Chicago, Illinois, where the Great Lakes Naval training Center Hospital and the North Chicago Veterans Medical center both sit underutilized and in such close proximity. Combining these two facilities in a state of the art, federal health care center will maximize the use of taxpayer dollars, enhance the training opportunities for young naval medical corps personnel, and, most importantly, bring the health care we promised them men and women into the twenty first century. By directing the VA to report Congress on the issues facing resource sharing Congress will be able to better understand and utilize resource sharing agreements when moving forward with this cost shaving approach.

I have met with Secretary Principi and Secretary Rumsfeld to discuss enhanced cooperation and health care resources sharing between the DoD and the VA. Both secretaries are committed to providing our men and women in uniform, veterans and retirees with world-class health care in an efficient manner. Both agree that cooperation between the two agencies when possible, will enable the departments to meet the growing needs of active and retired soldiers.

As an officer in the Naval Reserve and fellow veteran, I understand the sacrifices made by the men and women who wore their country's uniform. Therefore, I urge my colleagues to support this amendment.

I would like to close by thanking Chairman WALSH, ranking member MOLLOHAN, and the staff of the VA-HUD subcommittee for their help with this amendment. I hope to continue working with them on this issue as this bill moves into a conference committee with the other body.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Hastings of Florida:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(increased by \$550,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—BUILDINGS AND FACILITIES", after the aggregate dollar amount, insert the following: "(reduced by \$550,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

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

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I will not take that amount of time. My understanding is that the chairman and the ranking member have cleared this matter, and if that is the case and either the Chair or both would speak to it, then I will include my statement in the RECORD at this point.

Mr. Chairman, I rise today to offer an amendment that increases funding in the Environmental Protection Agency's Environmental Programs and Management account by \$550,000.

While the rules of the House preclude me from specifying in the text of the amendment what the increase is to be used for, it is my intention that this \$550,000 be utilized as additional funding for the EPA's environmental justice programs. My amendment is straight-forward, germane, and more than fair.

Since the creation of an Office of Environmental Justice in the EPA, the agency has worked to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. Further, it seeks to include all communities—white, black, brown, or green—in the development, implementation, and enforcement of environmental laws, regulations, and policies.

However, despite increases in the number of environmental justice complaints to the EPA, as well as a growing awareness about this issue, Congress has not increased funding to meet the agency's growing demands. This bill's allocation for EPA environmental justice programs of \$5.5 million is the same as last year's even though the strains on the programs, as well as the immediate need for the programs, have increased.

My amendment provides a 10 percent increase in funding to the EPA's environmental justice programs, a modest increase I should add. It is long overdue, and I urge my colleagues to support it.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALSH:

In title III in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; STATE AND TRIBAL ASSISTANCE GRANTS", strike "", except that, notwithstanding section 1452(n) through "water contaminants".

In title IV, strike sections 408 and 409.

The CHAIRMAN. Pursuant to the order of the House of today, the gen-

tleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

My amendment would strike three provisions in the bill which are legislative in nature, and I have been asked to do this by the relevant authorization committee Chairs, and I would ask for the adoption of the amendment.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DINGELL:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by \$1,000,000) (increased by \$1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

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

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

Mr. DINGELL. Mr. Chairman, I offer this amendment on behalf of my colleagues from Michigan, especially my three good friends and colleagues Mr. UPTON, Mr. STUPAK and Mr. ROGERS, all of whom are interested very much in this matter.

We in Michigan are awash in Canadian waste, 180 truckloads a day. EPA can help Michigan citizens control the flow of municipal solid waste from Canada. We have an agreement with the Canadians signed in 1992 that requires the EPA to implement a notice and consent procedure on the flow of trash.

The EPA has spent 11 years shirking its duty. They have determined that they will not implement this safe, simple and internationally recognized agreement.

The amendment is simple. It proposes to take \$1 million out of EPA's Office of Media Relations and put the money into the Office of Enforcement, specifically for the enforcement of this bilateral agreement.

I know of no controversy with regard to this amendment. I note that it is a message to EPA bureaucrats to stop

stalling and start protecting our citizens in Michigan.

I would note that I would, out of gratitude to my dear friends on the Committee on Appropriations, the gentleman from New York (Mr. WALSH) and also the gentleman from West Virginia (Mr. MOLLOHAN), I now terminate my remarks at this time.

Mr. STUPAK. Mr. Chairman, we have a crisis in Michigan. We have become the dumping ground for 100 percent of Toronto Canada's trash.

At a hearing earlier this week we heard excuse after excuse from the EPA as to why they are not enforcing a bilateral agreement that was reached back in 1992 which requires United States officials be notified of all shipments of trash coming in from Canada. When I asked the EPA if they have ever received such notification from Canada in the past 11 years, they said no. When I asked exactly when EPA would begin implementing the agreement they answered "hopefully soon." This is very similar to a response they gave the Congress 10 years ago.

In the mean time, Michigan landfills are being filled with Canadian trash and Canada is now considering sending their human waste to Michigan! When will it end, Mr. Speaker.

This amendment will provide \$1 million to the EPA for implementing the requirements in the bilateral agreement, end the excuses, and begin the enforcement! I urge its adoption.

Mr. DINGELL. Mr. Chairman, I rise today to ask all my colleagues to support an amendment I have offered with my good friends and colleagues from Michigan, Mr. UPTON, Mr. STUPAK and Mr. ROGERS.

We in Michigan have a bit of a problem, Mr. Speaker. You see, we are awash in Canadian trash. Every single day, 180 truckloads of the stuff cross over the Blue Water Bridge in Port Huron and the Ambassador Bridge in Detroit.

Luckily, in 1986 the United States and Canada signed the Agreement Between the Government of the United States of America and the Government of Canada Concerning the Transboundary Movement of Hazardous Waste, which was amended in 1992 to also govern the transport of municipal waste.

While we are fortunate to have that agreement, the EPA unfortunately had declined to enforce it. They have had 11 years to implement the notice and consent procedure required by the agreement. Eleven years, Mr. Speaker, and incredibly EPA has taken no action!

Meanwhile, Customs officials have told us in no uncertain terms that they consider these trucks "high risk" and nearly impossible to inspect. A recent shipment included 50 pounds of marijuana. During the SARS outbreak in Toronto, where much of the garbage comes from, a Michigan State Trooper found a trash can dripping blood.

These truckloads of trash are a nuisance and a danger to Michiganders. In fact, on two separate occasions, innocent citizens were hit by these semi-trucks. Citizens who once lived on quiet country roads now must contend with nearly 200 truckloads of garbage that begin rolling in at six in the morning. Nice summer breezes are a thing of the past for these folks, now houses must be shut up year round in an effort to avoid the stench.

Our amendment, Mr. Speaker, is simple. We take \$1 million from EPA's Office of Media

Relations, and put that money into the Office of Enforcement, specifically the enforcement of this Bilateral Agreement.

On Wednesday, July 23, the Energy and Commerce Subcommittee heard testimony from EPA. They were able to give us a timeline for when Canada might be done with their regulatory process. Unfortunately, they were unable to give Members of the Subcommittee any idea when EPA might be through their regulatory process. I think, Mr. Speaker, that this bears repeating: U.S. EPA testified as to when Canada might be through their regulatory process, but they were not able to give us any indication of when they might be through their own.

I would note that Article 5.3 of the Bilateral Agreement expressly provides that "to the extent any implementing regulations are necessary to comply with this Agreement, the Parties will act expeditiously to issue such regulations consistent with domestic law." Article 5.3 further and expressly provides that "pending such issuance, the Parties will make best efforts to provide notification in accordance with this Agreement where current regulatory authority is insufficient."

Well, by EPA's own admission, this is not being done. They have not used their best efforts and they have not even begun the regulatory process. How long does it take, Mr. Speaker? How long do the citizens of Michigan have to wait?

My fellow colleagues from Michigan, and indeed, all Michiganders, find it outrageous that EPA has shirked its duty and determined that our health and well-being is not worth their time and effort. This amendment tells them to do their job: issue regulations and enforce them. As they move forward with these regulations, we would request that before EPA consents to a shipment, they consider the views of the state and local governments, as well as the impact of the importation of continued public support and adherence to recycling programs, landfill capacity, air emissions from increased vehicular traffic, road deterioration from increased vehicular traffic, and public health and the environment.

I would ask my colleagues to support this common sense amendment to help protect the citizens of Michigan and to force the EPA to do its job.

Again, I would like to thank my distinguished colleagues from Michigan, Mr. UPTON, Mr. STUPAK, and Mr. ROGERS for their cosponsorship of this important amendment and their leadership on this issue.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

□ 1430

AMENDMENTS OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman identify which amendment he is offering.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. SMITH of New Jersey. It is the medical care amendment. I have two, Mr. Chairman, and this would be the first one.

Since they are very similar, Mr. Chairman, I ask unanimous consent they be considered en bloc with the time allotted. We could dispose of both of them at the same time.

Never mind, do them one at a time.

The CHAIRMAN. Will the gentleman further identify the amendment, since there are two.

Mr. SMITH of New Jersey. The amendment would seek to add \$1.8 billion to the medical care budget.

I offered two amendments last night, Mr. Chairman, or asked that two be made in order at the Committee on Rules, and I submitted 50 copies of each to the Committee on Rules, so there should be at least one copy.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SMITH of New Jersey:

In title I, strike the heading "VETERANS HEALTH ADMINISTRATION" and all of the paragraphs under that heading and insert the following:

VETERANS HEALTH ADMINISTRATION  
MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by sections 5901-5902 of title 5, United States Code; aid to State homes as authorized by section 1741 of title 38, United States Code; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), \$27,068,220,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not to exceed \$900,000,000 shall be available until September 30, 2005.

MEDICAL CARE COLLECTIONS FUND  
(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73

of title 38, United States Code, to remain available until September 30, 2005, \$408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$79,000,000, of which \$3,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

In section 116(a), strike "under 'Medical services for priority 7-8 veterans' and" and insert "under 'Medical care' and".

In section 117, strike "Medical Services" both places it appears and insert "Medical care".

In section 118, strike "transferred to" and all that follows through "for the" and insert "transferred to 'Medical care' for the".

Strike section 119.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has reserved a point of order against the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite significant and sustained efforts by Secretary Principi and the VA to boost effectiveness and efficiencies in the VA health care delivery; despite enhanced DOD-VA sharing of resources, individual facilities, administration, and pharmaceuticals; despite improved collections from individual veterans' insurance companies, and as a matter of fact my committee passed legislation that will boost that even further, and collections are up 70 percent since fiscal year 2001; despite an ongoing crackdown of waste, fraud, and abuse by the VA, and I point out that PL 107-103, one of my bills, goes after fugitive felons and we expect to glean about \$209 million per year by recapturing those dollars; despite all of this and increases in the VA health care funding over the past few years, there remains what President Bush's 15-member task force calls a serious mismatch between need and resources.

After 2 years of vigorous investigation and analysis, President Bush's task force, and I would invite every Member to read the Bush task force report, it was co-chaired by Dr. Gail Wilensky and John Paul Hammersmith, the former ranking member of the Committee on Veterans' Affairs, and before then by Congressman Solomon, who has regrettably passed away, but was an outstanding man and lawmaker, and he was co-chair before passing away. This task force found, and I quote, "that funding provided through the authorization in the appropriations process for VA health care

delivery has not kept pace with demand.”

There are reasons for it, of course. Since 1996, we have seen some 600 new outpatient clinics created. So there are feeder points. Our men and women, either in their wheelchairs or by their feet, are walking into VA health care facilities and getting the kind of care they need; we have seen a 70 percent increase in unique users, new patients since 1996.

The Bush task force pointed out, and I think it needs to be underscored, that there is a significant core underfunding. And you have to read this report because it talks about doing everything humanly possible, realizing every synergy, every efficiency; but when all is said and done, there is still this significant shortfall that needs to be breached by appropriated dollars.

And, of course, one of the outcomes of not having sufficient money is that many of our veterans wait unconscionably long periods in order to get the care they need. The task force found a snapshot in January: 236,000 veterans waiting 6 months or longer to get a first visit or a follow-up visit to their doctor.

An individual can get awfully sick and awfully diseased waiting that long to get health care. And I would respectfully submit that our veterans get sicker and more diseased by that inattention. We can close that gap by providing the proper amount of money.

Let me just say to my colleagues, as well, that last night I went to the Committee on Rules, joined by my good friend, the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health; the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. RODRIGUEZ), the two ranking members of the full committee and the Subcommittee on Health, and asked that this amendment be made in order to add back \$1.8 billion.

What are we talking about? That is the number that was in the House- and Senate-passed congressional budget resolution, \$27 billion for medical care, so that we meet the needs of our veterans for fiscal year 2004. Sadly, we were turned down.

What is the predictable outcome? I would respectfully submit it will be an awful outcome if we do not provide these resources. The VA has given us an indication, a blueprint, if you will, of 1.2 million veterans being disenrolled. 1.2 million, every State of the Union, men and women currently enrolled will no longer be enrolled. Five thousand nursing home beds for the spinal cord injury patients and others who have very highly skilled needs will be idled, will be done away with if we do not add back this \$1.8 billion.

This is a very significant need, I would say to my colleagues, especially at a time when we are at war in Iraq. The war is over, but we have deployments and people are still getting injured and even killed. We need, in a bi-

partisan way, to step up to the plate and provide this necessary money.

And I would say to my colleagues with regret and with respect for the chairman of the subcommittee and the ranking member, that I will be voting “no” on final passage of this bill, and, hopefully, we will go back to committee, get this funding problem solved there and do this right.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to applaud my colleague for his statement. I think there is something fundamentally wrong with the priorities of this country when we have men and women who have put their lives on the line, who in Vermont and all over this country are on waiting lists, people who served this country and who are thrown off of VA health care.

When we talk about giving huge tax breaks to people who do not need it and then say that we do not have \$1.8 billion for our veterans, that is absolutely outrageous. And I want to commend my friend for his efforts.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. Does anyone wish to claim time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I claim the time in opposition to the amendment, but I rise in support of the amendment.

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

The amendment would add \$1.8 billion in additional funding to VA medical care. It is demonstrably true that veterans' medical care is in need of additional funding. More than 235,000 veterans are currently waiting six months or more that for initial appointments. Veterans in certain areas of the country have reported waiting two years to see a doctor. The VA has now reached capacity at many health-care facilities and has closed enrollment to new patients at many hospitals and clinics. The VA has even taken the step of placing a moratorium on all marketing and outreach efforts.

These problems are all symptoms of a larger illness—the VA consistently is not provided enough funds to provide all the benefits that are authorized for all veterans—not even in the area of medical care.

The Chairman without a doubt did the best he could by veterans in this bill. However, the fiscal year 2004 Budget Resolution did not allow the VA-HUD Subcommittee to have an allocation that would permit the promises the Republican leadership made to be kept. I know that this amendment will be stricken on a point of order, but I was to express my support of it because we need to do more for veterans medical care.

The gentleman's amendment rightly points out the need for more funding for veterans medical care and is providing an invaluable service by allowing the House to debate the consequences of irresponsible budget agreements and tax cuts to millionaires. Consequences such as not being able to adequately fund promised services to the most deserving among us—our Nation's veterans.

I yield back the balance of my time.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2004 on July 22 of this year. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of this act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. FATTAH

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

The CHAIRMAN. The Clerk will designate the amendment.

Text of the amendment is as follows:

Amendment offered by Mr. FATTAH:

In the item relating to “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)”, after the second dollar amount, insert the following: “(increased by \$4,500,000)”.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. FATTAH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. Chairman, the HOPE VI program, which received a very significant allocation last year in this bill, has only a \$50 million allocation. Part of the rationale for not aggressively supporting what is the most successful neighborhood revitalization program and the largest in our country is that there is in the pipeline some projects that have not moved as quickly as we might want them to.

I met with the officials at HUD, and my staff has interacted with any number of people since we have become aware of this problem, and I am convinced that part of the problem, which was identified by the GAO in a study done, is that HUD has backed away from and withdrawn services and support, including the use of expeditors to move these projects through the pipeline.

So I have offered an amendment to substantially increase technical assistance from \$500,000 to \$5 million to help move these projects through the pipeline. Hopefully, as we go between now and conference, because a lot of Members are very interested in HOPE VI on a bipartisan basis, we would like to see this subcommittee find a way, and I know that the chairman and my ranking member would work with us on this, to try to see how we could have a greater commitment to seeing this program move forward. It is also up for reauthorization.

But I think at a minimum, at least at this moment, the one thing that the House should do is to substantially increase technical assistance and say to HUD that we want the communities around this country that receive HOPE VI grants to have the type of expertise that they need to be able to make those projects go and to go as quickly as possible so that we never again have any rationale offered that projects previously funded that are desperately needed are not moving as quickly as some might want them to.

I have talked both with the majority and the minority, Mr. Chairman, and I believe this amendment might find acceptance.

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

Mr. FATTAH. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we have reviewed the amendment, we think it helps the bill, and we are prepared to accept it.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, I thank the gentleman.

For every reason I can think of, Mr. Chairman, this is an important thing to do.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time. I also have an amendment at the desk which I had understood was going to be handled at the same time as the Fattah amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would announce that under the order of the House, the amendment of the gentleman from Illinois was not made in order separately from this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I will then discuss my amendment at the same time as the Fattah amendment, though it is different from the Fattah amendment.

My amendment dealt with the fact that section 8 is underfunded and HOPE VI housing is underfunded in this appropriation. The bill funds the Department of Housing and Urban Development. The single largest low-income housing program at HUD is the section 8 housing choice voucher program.

The voucher program enables low-income families with children, the elderly and the disabled to rent apartments

in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded and unsafe housing, or even worse, homeless.

If the shortcomings of this bill are not addressed, 85,000 families will not have the funding for their vouchers renewed. These families need affordable housing assistance. The current funding in H.R. 2861 does not address nor take into consideration inflation and the high cost of living, unemployment, and the failure of corporations and small businesses.

Another housing program which is underfunded is HOPE VI. The purpose of the HOPE VI program is to revitalize severely distressed public housing developments and transform them into safe, livable environments. A required element of the program is the provision of the effective, targeted self-sufficiency initiatives so that public housing can regain its role as housing for low-income families who are determined to improve their status.

HOPE VI funds are used to provide three types of grants: planning, implementation, and demolition. Mr. Chairman, the vast majority of public housing in Chicago is in my district and, of course, we need public housing assistance. Without HOPE VI, many of the people will lose hope and lose what they have had.

My amendment would have added \$300 million to HOPE VI to replace some of the \$500 million that is being cut. But since most of the money has already been given back to the wealthy in the form of huge tax cuts, I am afraid that very little is left for HOPE VI for the poor, for veterans health care, for the needy, for the disadvantaged, and for the 3 million people who have lost their jobs.

Since the money is gone, Mr. Chairman, I will withdraw my amendment.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, let me in conclusion say that I share the sympathies that have been articulated by the gentleman from Illinois. I do, however, want to say that I think this technical assistance addition is important, and I want to thank the majority and the ranking member.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment and in support of the HOPE VI program.

Mr. Chairman, I'm amazed Congress would all but eliminate funding for this highly successful program.

While the \$50 million for HOPE VI contained in this bill is \$50 million more than the President requested for this program, this is still a cut of \$524 million from 2003, a reduction of 90 percent, and will gut a program that brings hope and opportunity to so many.

In Stamford, Connecticut, a HOPE VI grant transformed a dim, crime-ridden, and dilapidated housing project into a beautiful place to live and raise your children. As a result of this

federal assistance, Southwood Square is now a safe place for children to play, its residents receive job training on site, and working parents have access to a child care facility. Just as importantly, residents are involved in their community.

I wish Members could see the transformation that has taken place there. If they did, I doubt they would be cutting this program.

The most beautiful part of HOPE VI the way a grant from the federal government produces a ripple effect in the neighborhood. The transformation that occurs in HOPE VI communities is funded with a small investment in the form of a federal grant, but primarily is funded with local and private money.

The lesson there is that when the federal government demonstrates its interest in improving the housing needs of low-income families, the community responds in a big way.

The question that begs to be asked is: Why would such a successful program be cut so drastically?

I recognize the fiscal constraints of this budget cycle, but this is not time to weaken our commitment to HOPE VI. I urge passage of this amendment.

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

□ 1445

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. FATTAH).

The agreement was agreed to.

PARLIAMENTARY INQUIRY

Mr. SMITH of New Jersey. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of New Jersey. Earlier on the amendment I called up regarding the \$1.8 billion add-back, there were two amendments. I asked that they be considered en bloc. It was objected to by the gentleman from New York (Mr. WALSH) so they stayed separate, but we were allocated only 5 minutes.

Mr. Chairman, I would ask unanimous consent for those additional 5 minutes to hear from a few Members who were precluded from speaking.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of New Jersey. Mr. Chairman, further on my parliamentary inquiry, it is my understanding, especially after a consultation with the Chair, that the time was improperly accorded us. It was not a matter of seeking unanimous consent of any kind. We asked that they not be en bloc, so if they were not en bloc, I do call up the other amendment.

The CHAIRMAN. The gentleman will suspend. The gentlemen's amendments were considered en bloc by unanimous consent.

Mr. SMITH of New Jersey. And only 5 minutes was allocated?

The CHAIRMAN. That is correct for the proponent and an opponent under the order of the House, but the those amendments have been disposed of. Without unanimous consent on the

pending amendment, there is no additional debate time available.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SMITH of New Jersey:

Strike section 114.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would strike section 114 of the bill to remove a provision that would bar the VA from using funds to implement provisions of Public Law 107-287, the Department of Veterans Affairs Emergency Preparedness Act. This vital veterans legislation would create new research centers to help protect future veterans and current ones from the effects of weapons of mass destruction.

For the benefit of my colleagues who are not familiar with this law, the VA Emergency Preparedness Act was designed to give the VA health care system better tools and information to prepare for the possibility of injuries and illnesses to servicemembers caused by weapons of mass destruction.

Dr. Susan Mather, the Chief Public Health and Environmental Hazards Officer, is ready to move forward to let these kinds of programs go forward so the research will be done, so if the unthinkable happens to our men and women in uniform with regards to biological, radiological or chemical, that we will have a more adequate response than we do right now.

Let me point out that the VA excels in establishing Centers of Excellence. It does it on a myriad of fronts, including for combat and war-related injuries that are suffered on the battlefield. Two recent centers were established for that purpose.

The VA is ready to go, and Dr. Mather made the point to the Under Secretary of Health that the VA health care system is "more likely than any large, small, private or public health care system to be required to identify and respond to threats of chemical and biological or other threats to public health or safety." Thus, the Medical Emergency Preparedness program will facilitate the best medical care and services to veterans.

The VA is ready to go. This provision in the bill that precludes that, I think, is unfortunate.

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

The CHAIRMAN. Does any Member seek the time in opposition to the amendment?

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

The CHAIRMAN. The gentleman from New Jersey (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, this amendment adds another bureaucratic arm to the Veterans Administration by creating a new assistant secretary. This function, the function of emergency preparedness, is already under the Assistant Secretary for Policy and Planning. Emergency activities are well planned, managed and executed under the current arrangement.

Another part of this amendment takes money away from regular medical care. We just heard some debate about the cost of medical care and the need for additional funds for medical care. This would take money out of medical care to create these new crisis centers.

I believe the money should be prioritized to treating sick veterans. That is the mission of the Veterans Health Administration, and the focus should remain there.

Emergency response and research centers and activities are already funded under the Departments of Homeland Security, Justice, Defense and Health and Human Services, where they rightly belong. I would urge a strong "no" vote on this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), the chairman of the Subcommittee on Health.

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment. The amendment makes sense. These types of emergency preparedness activities have historically taken place within the VA. They should continue to take place within the VA, especially at a time when the United States of America is threatened by chemical, biological and possibly even dirty nuclear weapons; especially when our veterans overseas, those in Iraq in particular, have the potential of being exposed to these types of weapons.

We cannot afford to let some bureaucratic arguments get in the way of implementing this legislation. It is important legislation. We cannot afford to get bureaucratic rules in the way of restoring \$1.8 billion to this bill, so we can properly fund veterans' health care.

I was told earlier this afternoon by a colleague that certain categories of veterans are fully funded. Yes, they are, but that does not meet the obligations and requirements of this body to fund all veterans.

In 1996, when we in this Chamber passed unanimously H.R. 3118, no "no" votes, we opened the Veterans Health Administration to all veterans. All veterans, to all veterans. We have not kept that promise.

In April of this year, when we passed a budget resolution which adequately funded health care to all veterans, to all veterans, we have walked away from that promise as well.

I do not blame the chairman of the subcommittee or the ranking member; they have done the best they can with the allocation they have. They have done a brilliant job with the allocation they have. But the allocation they have is inadequate for us to meet the promise to our veterans.

It is interesting to note that we have money in this bill for cemeteries because if we deny our veterans the health care they deserve and earned, and we have promised to them, we are going to need those cemeteries.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, as a member of the Committee on Veterans' Affairs, I see and hear firsthand the scars of battle borne by our veterans during the carnage of war. Veterans do receive affordable, quality health care. However, in expanding the eligibility requirement for health care in 1996, we now have veterans waiting months for an appointment because we are not keeping up with the funding demands.

We are obligated to honor the promise this Chamber made to fund veterans' medical care at the March budget leave. As the son of a retired two-star general, I was raised to believe that a man's word is his bond. Those who vote in favor of this bill, whether Republican or Democrat, vote to underfund the needs of those who shed their blood so we can breathe free.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, certainly coming from Florida I have a very large veterans population. I have the second largest veterans population in this Congress.

When I went back home and told them about the amount of funding that was in the budget that we passed, I can tell Members they were delighted. It was not enough even then, but it sure made a big difference.

Today, the bill that we will be voting on will be cutting \$1.8 billion from the veterans' health care appropriation. That is wrong. We are breaking a promise that we made when we went home and told them about the funding that was in the budget. I think veterans deserve better. They have defended our country.

Tomorrow, I am going to be presenting medals to Korean War veterans, celebrating the 50th anniversary of the Korean War. Can we give them a medal and turn our backs on what they may have in health care needs?

We also have men and women coming home from Iraq. What kind of health care are they going to have?

I know how hard the chairman of the committee, the gentleman from New

York (Mr. WALSH), worked on this and how hard the members of the Committee on Veterans' Affairs and the Committee on the Budget worked on this, because I serve on both. We took some tough votes because we were told there would be additional funding in the final appropriations bill that was passed.

I cannot vote for this bill, and I think that there are many in this Chamber who are really, as we used to say back in New York, having agita over this vote. This is not a vote that I can cast affirmatively.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, we know it is a very difficult budget year and lots of decisions have to be made. I have 61,000 retired veterans and military retirees, combined, that live in the Third District of North Carolina, the home of Camp Lejeune, Cherry Point, and Seymour Johnson Air Force Base. And like each and every one of my colleagues, I know we all care about our vets, but let me say that sometimes, for all of us who serve, you get a little bit wondering, what are our priorities? And with all of the responsibilities we have, should those vets be number one for this country?

I believe those of us who had the privilege to serve—and no, I do not have a military background, but Members do not need a military background to appreciate those who put the uniform on for this country.

Mr. Chairman, I think about those young kids at Walter Reed and those young kids at Bethesda who lost a limb, many are paralyzed, and in the short term they will be taken care of, but how about 3 and 4 and 5 years down the road? We are losing beds and losing care. America is too great to let this happen.

Let me say, Mr. Chairman, in closing, that many of my vets ask me, we find this money for foreign aid, we find \$15 billion for Africa, and they want to help the AIDS victims in Africa, but they agree and I agree, they should come first. Then if we have extra money, let us help the other people; but for God's sake, let us not forget our vets. We made a promise a few months ago that it would be \$1.8 billion.

I know the chairman and the ranking member are two of the finest men here in the House, and this is not their doing or their fault, but let us reestablish our priorities and let us take care of those who are willing to give their lives for us.

Mr. SMITH of New Jersey. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

This amendment that has been made in order is not the amendment to add

back \$1.8 billion, and I say that with great sadness on behalf of our veterans.

What this amendment would do is lift a prohibition in the underlying bill that would prevent the VA from establishing already authorized medical preparedness centers, Centers of Excellence, to work the issue on weapons of mass destruction.

□ 1500

As I said earlier, the VA is ready to go. We already have their time line. It is in print. They are ready to go. They want to do this. I would say to my colleagues that if we are saying we do not have the \$5 million approximate in start-up costs, let us grow this budget. That is what we have been saying in this entire debate. I hope my colleagues will vote for this. I would again remind my colleagues that the VA already operates dozens of specialized research centers, the center for limb loss, the center for spinal cord injury, the center for brain rehab, the center for wheelchair and related technology; in May of 2001, two new centers to study war-related illnesses. We are not breaking new ground here; we are moving in a direction that heretofore has not been addressed and that is weapons of mass destruction. I would hope my colleagues would vote for this amendment.

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

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER), a member of the Committee on Veterans' Affairs and a combat veteran.

Mr. BUYER. Mr. Chairman, I want to thank the chairman of the Committee on Veterans' Affairs for his leadership. There are a lot of different individuals here on many different committees that after September 11 did an assessment. The gentleman from New Jersey (Mr. SMITH), the chairman, also did his assessment. At the same time so were other committees. The real question right now is over the issue on redundancy. I want to applaud the chairman for having his bill passed and it is authorized.

The real question now is on the funding and the timeliness of that funding. I recognize the present objection of the chairman of the Committee on Appropriations. With regard to some of the comments from my other colleagues with regard to whether the funding has been underfunded or not and we have been citing back to when we did eligibility reform here on the House floor, I want everybody to note this, that during that time period, the Congressional Budget Office and GAO provided testimony to the House and the Senate. They said, if you change eligibility from the core competencies of the VA and let non-service-connected disabled veterans be treated the same in line with combat- or peace-disabled veterans, you will open up the system and you will have a tremendous cost impact.

The Committee on Veterans' Affairs staff and members on the House and the Senate did not agree with what the recommendations were nor testimony of CBO and OMB. As a matter of fact, the veterans service community and organizations, some in particular mocked CBO and OMB for their testimony. Their testimony was correct. We were wrong.

So what we are doing today is we are trying to now catch up. Members may ask, what do you mean catch up? In the last 5 years in which the gentleman from New York has chaired the subcommittee, we have increased the health budget in the VA 50 percent. Members might say, my gosh, 50 percent, why? Because the category 7's and 8's are rushing into the system. Today we have a system called a no-shame system. A no-shame system. There are things in our society, if you are in a food line and you have already eaten and there are people that have not eaten, do you get in line and cut before them? No, that is shameful. What happens today is that you have individuals who are non-service-connected disabled veterans who are in line before combat-disabled veterans. I think that is shameful. Others can disagree with that, but I think that is. Today this present theme has become that every veteran is a veteran is a veteran. That is the present theme, because we do not want to look back and see what the mistakes were that we made. No one in this House wants to accept the responsibility for having gotten it wrong: Oh, please, Steve, don't tell us the mistakes that we made. Just fund it. Just throw more money at it.

Folks, we are creating a problem. If we do not accept some responsibility here, I am fearful of what is happening to the VA. We need to restore the core competencies of the VA in those categories 1 through 6. I want to applaud the chairman for his work along with the ranking member. It is quality work.

Mr. WALSH. Mr. Chairman, I urge a "no" vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

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

Mr. SMITH of New Jersey. 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 Jersey (Mr. SMITH) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HALL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HALL:

In title III, in the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SPACE FLIGHT CAPABILITIES", insert "of which \$15,000,000 of amounts for the Space Shuttle Life Extension Program shall be for the development and independent assessment of concepts to increase Space Shuttle crew survivability for crew sizes of 4 to 7 astronauts by at least a factor of 20 relative to the demonstrated crew survival rate of the Space Shuttle to date, and" after "September 30, 2005,".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

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

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

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

Mr. HALL. Mr. Chairman, I want to thank Chairman Walsh and Ranking Member Mollohan. I am offering an amendment to the NASA portion of the bill. That issue is the safety of the astronauts who fly the Space Shuttle.

Mr. Chairman, the amendment that I am offering today would start NASA down the path to developing a new crew escape system for the entire Space Shuttle crew, not just the pilot and the copilot. My amendment is focusing on increasing the safety of the Space Shuttle astronauts through the development of concepts for crew escape in the event of an accident. It is that simple.

Mr. Chairman, I am offering an amendment to the NASA portion of the bill. It concerns an issue that I feel as strongly about as anything I have fought during my time in Congress. That issue is the safety of the astronauts who fly the space shuttle.

These brave young men and women risk their lives to advance our knowledge and to help this Nation explore space. They know that space travel involves risk. However, I'm not sure that the rest of us fully comprehend how risky it can be until we are confronted with a tragedy like last February's loss of the space shuttle *Columbia* and its crew. Yet the fact that space travel involves risk doesn't mean that we shouldn't be taking all prudent measures possible to reduce that risk—which brings me to the objective of my amendment.

The sad reality is that 17 years after the space shuttle *Challenger* accident, the loss of a space shuttle almost inevitably means the loss of its crew. I don't think that is right, and I don't think it has to be that way. And I'm not alone in that belief. For years, the independent Aerospace Safety Advisory Panel (ASAP) and others have argued that NASA needs to pay more attention to improving space shuttle crew survivability in the event of an accident. For example, in its March 2002 report to the NASA Administrator, the ASAP expressed its concern that: "there is no in-flight crew escape system for the [Space Shuttle] Orbiter other than for abort below 20,000 feet during a controlled glide", and it strongly recommended that NASA: "complete the ongoing studies of crew escape design options and implement and improved system as soon as possible."

Moreover, in their meeting with the NASA Administrator earlier this year, ASAP members

were vocal in their belief that NASA needed to give serious attention to the development and installation of a space shuttle crew escape system.

I agree with the ASAP members. I think that if we are going to fly the shuttle for an extended period—which I believe we are—then NASA needs to develop and install a crew escape system on the remaining Orbiters in the space shuttle fleet as soon as practicable. And we need to size it so that we are able to fly enough astronauts to the International Space Station (ISS) annually to allow a permanent ISS crew of seven.

The amendment that I am offering today would start NASA down the path to developing a crew escape system for the entire space shuttle crew—not just the pilot and co-pilot.

My amendment would use \$15 million from the as yet unallocated funds in the fiscal year 2004 Space Shuttle Life Extension Program "Future Projects" account to solicit the best concepts from the aerospace industry and elsewhere for significantly improving shuttle crew survivability. Those concepts, including estimates of their costs and impacts on shuttle performance, would be independently so that Congress and NASA will know what the best options are. We can then make an informed decision on what to do next. I would hope that the solicitation and independent assessment could be completed expeditiously, certainly in less than a year.

Now I know that some at NASA would agree that it can't be done at a reasonable cost or without a big negative impact on shuttle performance. My reply is that I don't believe that the combined talents of the aerospace industry and NASA aren't capable of rising to the challenge of developing a viable space shuttle crew escape system and dramatically improving shuttle crew survivability. I may be wrong, but I don't think so.

Mr. Chairman, my amendment is a modest first step toward achieving my goal of significantly improving the odds for our brave astronauts when they fly the space shuttle. It is only one step. I intend to keep pressing for the development of a capable space shuttle crew escape system if the nation decides to continue to flying the shuttle.

While my amendment may be only a first step, I believe it is an important role. I hope Members will join me in support of this amendment.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. STEARNS: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the aggregate dollar amount, insert the following: "(increased by \$5,000,000)".

In title III, in the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the

first (aggregate) and fourth (AmeriCorps grants) dollar amounts, insert the following: "(reduced by \$12,217,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

This is a simple amendment, and I will not take long. It transfers 5 percent of the fiscal year 2004 funding from the Corporation for National and Community Service's AmeriCorps grants to the Veterans Health Administration, Medical and Prosthetic Research.

I think, Mr. Chairman, I would summarize my amendment basically as one of priorities. It is interesting on July 27 now, we are going to celebrate the 50th anniversary of the Korean War armistice. Perhaps this is a perfect time for all of my colleagues to think about the priorities relative to this anniversary of the Korean War.

The Department of Veterans Affairs has a history of producing beneficial research in medicine and prosthetics, the latter of which will be sadly in demand as amputated veterans return from Iraq. Arguing for the transfer of these funds is based upon, I think, the accomplishments of the VA research department. Perhaps many Members do not realize it has produced three Nobel Prize winners, developed the cardiac pacemaker, conducted the first successful drug treatments for high blood pressure and schizophrenia, is undergoing trials of a smallpox treatment in mice, and developed the technology that recently enabled paralyzed actor Christopher Reeve to regain the ability to breathe on his own temporarily. The money is going to go to this research. They have a history, Mr. Chairman, of success. The long-term consequences of helping these people is immense. But from our reading of this bill, their increase in this area is only 2.7 percent. So I thought, well, that is pretty low, why do we not transfer some money over there?

I might point out that when we are talking about volunteer organizations or people that volunteer, I would like to really tout an organized group of committed volunteer military veterans in my hometown of Ocala, Florida. They do not get paid, Mr. Chairman. It is called Vets Helping Vets. Vets Helping Vets lend assistance to their veteran brothers and sisters and volunteer for numerous activities, including helping the homeless. The program is administered by Hank Whittier from my hometown, Ocala, Florida. He has done a great job. I think it is a pilot program that could be done throughout this country.

Let us observe the 50th anniversary of the Korean War by reexamining our priorities, our policy. A vote for my amendment is in support of promising

beneficial medical and prosthetic research for deserving veterans.

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

Mr. STEARNS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I want to thank the gentleman for bringing his amendment. One thing that we often must recognize with regard to the recruiting pool for the United States military, AmeriCorps competes with our recruiting pool for an all-volunteer force. It makes it very difficult and very expensive for DOD to go out there and recruit those soldiers.

I have a question for the author of the bill. When President Clinton created the AmeriCorps, he was touting volunteerism. It is my understanding that at AmeriCorps, they do not call them volunteers anymore. Do you know whether that is true or not?

Mr. STEARNS. I do not know. I think they are using the term paid volunteers. I think when you look at it, compared to those who have already served their country, maybe even the word "paid volunteers" is an area that we might talk further about. I think the point of my amendment is not to discredit any one government agency but just to set priorities here and say that the amount of research increase in dollars in the VA is very small. And so I am just in a very small way asking my colleagues to consider this amendment and moving it forward.

Mr. BUYER. I would just urge my colleagues to support the gentleman from Florida's amendment. If we can move some quality dollars here and prioritization into veterans health care, I think his amendment is in the right intent. I support it.

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

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

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FILNER. Mr. Chairman, I am also in opposition and am in the opposite party. Who has control?

The CHAIRMAN. The Member managing the bill and a member of the committee has the prior right to recognition to control debate time in opposition to the amendment.

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

I rise in reluctant opposition to my good friend and colleague and classmate, the gentleman from Florida's amendment. This is a small amount of money, but I think it would be significant either for AmeriCorps or for VA research. There are a lot of really tough choices in this bill. The gentleman from Florida has created for us another. But I would urge that we resist the temptation to move this money from AmeriCorps into veterans. We are talking about a program in AmeriCorps that has had its problems;

but I think it is pretty clear, in the discussion that we had in committee and on the floor of the House regarding the supplemental, that there is broad support for AmeriCorps. These are young people who are idealistic, altruistic, energetic. They want to serve their country, too. I think we owe that to them. I think it is something the government should be involved with, in supporting that activity.

The discussion has been somewhat about the fact that they are paid volunteers. What they are paid is minimum wage. They often live in communities outside of their home so they have to pay rent. They have to pay for food. The only way that they can meet their obligations is by getting paid. But clearly they are volunteering their time and that year of their life to serve their country. I think that should be continued and rewarded. The program AmeriCorps is a priority program for this Congress. We have said that time and time again. It is a priority for the President of the United States. He has asked us to increase funding. We have increased funding in the 2004 request. I would urge Members to give this some thought. We are talking about a very difficult choice between veterans health and AmeriCorps, but this money is needed in AmeriCorps.

I would urge Members to vote "no" on the amendment.

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

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect what my good colleague and classmate, the distinguished gentleman from New York, has said. I might just read from the committee's report itself:

"The committee is completely frustrated at the financial situation created by the lack of financial and grant program accountability at the corporation, even after years of providing funds specifically for the purpose of grant management and assurances made by the corporation during the conference that the corporation, AmeriCorps, was on the path to reform." Yet the committee gave it an 11.7 percent increase. When we look at the VA funding for research, it is 2.7 percent. I ask my colleagues to put that in perspective and also put it in the perspective, as the gentleman from New York said, this is a small amount of money but this has a symbolic value to veterans, people who need prosthetic support. To think that you are taking some of the money that is in a program like AmeriCorps and giving it to veterans research, I think, is saying, We're behind you.

I urge support for the Stearns amendment.

Mr. WALSH. Mr. Chairman, I again urge a "no" vote on the gentleman's amendment. I respectfully disagree. I urge that the House oppose the amendment.

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

□ 1515

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. 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 Florida (Mr. STEARNS) will be postponed.

AMENDMENT NO. 7 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CAPPS:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; SCIENCE AND TECHNOLOGY", after the last dollar amount, insert the following: "(reduced by \$7,300,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; LEAKING UNDERGROUND STORAGE TANK TRUST FUND", after the last dollar amount, insert the following: "(increased by \$7,300,000)".

The CHAIRMAN. Pursuant to the order of House of today, the gentleman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mrs. CAPPS).

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

I understand that the majority has agreed to accept this amendment, and I am very grateful. Briefly, I would state that the amendment would increase Federal efforts to clean up leaking underground storage tanks by \$7.3 million. The amendment pays for this increase by transferring the same amount from the EPA's Science and Technology account. The hope is that we can increase our attention to the problem that MTBE contamination is causing to drinking water across this country.

When MTBE gets into groundwater, even at very low levels, it makes water smell and taste like turpentine. This contamination has resulted in closing important drinking water supplies all over the country. To be sure, owners and operators of underground tanks are responsible for cleanup, and that is where this responsibility should lie, but the Federal Leaking Underground Storage Tank Trust Fund provides additional cleanup resources, enforces corrective action and steps in when responsible parties cannot be found.

The LUST fund has a \$2.2 billion balance. The bill before us, the underlying bill, only appropriates \$73 million of that amount to support cleanup efforts for leaking tanks, and I think we can do better than that.

My amendment today is only a small step toward addressing those cleanup

needs. Perhaps one day we can take a giant leap. So I urge my colleagues to support this common-sense amendment.

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

Mrs. CAPPs. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we would be happy to accept the amendment.

Mrs. CAPPs. Mr. Chairman, I thank the gentleman.

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

Mr. FILNER. Mr. Chairman, since no one took time in opposition, can I ask unanimous consent to take that time in opposition?

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

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

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

I thank my colleagues for allowing me this time.

Because of the unanimous consent request, there was little time for those of us who wanted to speak on behalf of the veterans of the United States to make that argument. We simply have before us a bill that is inadequate to the needs of our Nation's veterans. There are a lot of reasons that have been advanced, and there are a lot of understandings of the parameters which we have to work with, but that is the reality. We simply have not put the money in.

And we see some of these trade-offs that have to go on, like moving money from AmeriCorps to prosthetic research. We have to make those kinds of decisions because we do not have enough money for research in the budget. We do not have enough money for our veterans.

We are \$2 billion under the amount that left this House when we passed the budget resolution. And I love when my colleagues on the other side of the aisle get up and say we should have 2 billion more, but they voted for the rule that puts this bill on the floor and they have not voted for any of the amendments which would put that money back in. The Committee on Rules rejected the amendments that would give us this additional \$2 billion.

Do my colleagues know that we have 160,000 veterans who have been waiting for more than 6 months for their first appointment at the VA center? More than 6 months. Some of them will die before they have their first appointment.

We have disabled veterans who have fought for our Nation who have been waiting 2, 3 or more years to get their adjudication settled. Some will die before they get that claim settled.

Nurses are being laid off from the VA health care system. We do not seem to have enough money for those nurses.

We have a system where we had one member of the Committee on Veterans'

Affairs, the gentleman from Indiana, say the Priority 7s and 8s are clogging up our system. He has said that our veterans, because they have a certain income or because they did not have a certain level of disability, they are categorized as 7s and 8s. They are veterans, they have protected our Nation; and we have a Member who says they clog the system.

Let us open the system by giving us the resources that we need. Let us open up that system. We cannot leave off veterans because they are clogging it up. The Secretary of our VA, Secretary Principi, and his chief Health Under Secretary, had to send a memo out to his employees, Do not tell any veterans about their rights because we cannot handle them. Do not tell veterans about their rights because we cannot handle their business. That is wrong.

We should give the Secretary the amount of money so we can handle all the veterans that are eligible for that and who need that care.

So I thank my colleagues for allowing me this time, but this bill does not honor our Nation's veterans. When our folks in Iraq and Kuwait and Korea and Liberia and Germany and wherever else they are, when they hear that we do not give the VA health care sufficient funds, what happens to their morale? What happens to their sense of what this country is about? We have to respect the men and women in our Armed Forces by giving the respect to our veterans who have fought for our Nation.

I yield back, but I yield back hoping that we put this money back into this budget at the end of the process.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mrs. CAPPs).

The amendment was agreed to.

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

I yield to the distinguished gentleman from New York (Mr. BOEHLERT), my neighbor and colleague, for the purpose of a colloquy.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for the outstanding work he is doing with a very difficult bill under tough fiscal restraints. I think he has demonstrated repeatedly his recognition of the importance of providing the resources necessary to meet so many demands on the Treasury.

I want to enter into a colloquy to draw attention to one particular program in this bill that is of great concern to him and to me.

Last fall, President Bush signed into law the Cybersecurity Research and Development Act of 2002, which had passed the House by a vote of 400 to 12. Under the act, the National Science Foundation should be spending \$105 million in fiscal 2004 in activities under that act; yet NSF requested only \$35 million for cybersecurity and was not necessarily directing that the money be spent in accordance with the provisions of the act.

Given the importance of cybersecurity research, is it the chairman's view that in its current plan for fiscal year 2004 NSF should fund cybersecurity research activities under the act at a level as close to the authorized level as possible?

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, I agree. NSF needs to make implementation of the Cybersecurity Research and Development Act a priority.

Mr. BOEHLERT. Mr. Chairman, would the gentleman agree then that the level must be significantly above the \$35 million level?

Mr. WALSH. Mr. Chairman, I concur.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding to me and look forward to continuing to work with him and all my colleagues in the House for whom this is such an important subject to strengthen our Nation's research enterprise.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership in the Committee on Science.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANDERS:

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

SEC. . None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

This amendment is cosponsored by the gentleman from Pennsylvania (Mr. KANJORSKI), who is a leader on this issue and has a related freestanding bill which I am happy to have cosponsored.

The purpose of this amendment is simple. It will reverse an ill-conceived policy at the VA to forbid outreach to veterans who may be eligible for VA health care. This policy is unacceptable. The men and women who have put their lives on the line for this country should be fully informed of the benefits that their service has earned them.

Finally, let me thank the subcommittee chairman and the ranking member, who I understand have agreed to accept this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I thank the gentleman from Vermont for yielding me this time.

Mr. Chairman, I rise in support of the amendment. I appreciate the effort of the chairman and the ranking member to support this amendment.

What it basically does is, it allows us to refuse to expend moneys from the Veterans Affairs appropriation for the further advance of the policy to stop the outreach program which was most recently referred to in comment. Imagine, we have veterans out there who do not know the benefits that they are entitled to under health care, and the Veterans Administration determines a policy to say, Do not tell them, do not inform them, do not let them know.

The passage of this amendment will implement into law what H.R. 813, my original bill on this subject, would accomplish and send a message to American soldiers and veterans that we care and that we direct the Secretary of Veterans Affairs to stop interfering with the outreach program but to implement the outreach program once again.

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

I thank my friend from Pennsylvania for his comments. The bottom line is, it is not acceptable that the veterans of this country not know the benefits to which they are entitled.

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

Mr. SANDERS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlemen from Pennsylvania and Vermont for the amendment, and we are prepared to accept the amendment.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the chairman very much and I thank the ranking member.

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

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT; HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the first dollar amount insert "(increased by \$5,000,000)"

In title III, in the item relating to "NATIONAL SCIENCE FOUNDATION; RESEARCH AND RELATED ACTIVITIES", after the first and second dollar amounts insert "(reduced by \$5,000,000)."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

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

This amendment would increase the appropriation for the Housing Opportunities for Persons with AIDS program, known as HOPWA, by \$5 million. It is a far cry from what is truly needed, but it represents an important first step towards full funding.

I would like to thank the gentleman from New York (Mr. CROWLEY) for co-sponsoring the amendment, and I would like to thank the gentleman from Connecticut (Mr. SHAYS) for co-sponsoring the amendment and for demonstrating bipartisan support for this amendment and for this program.

I have a lengthy statement, but since the distinguished chairman has indicated he is prepared to accept the amendment, I will say nothing further other than to thank him.

Mr. Chairman, this amendment would increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, program by \$5 million. This is a far cry from what is truly needed, but it represents an important first step toward full funding.

I would like to thank Mr. SHAYS and Mr. CROWLEY for joining me on this amendment and for demonstrating the bipartisan support for HOPWA.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. Without assistance, they face almost certain death on the streets.

This is where HOPWA comes in. Through a variety of services, HOPWA helps thousands of people each year put a roof over their heads and create a stable living environment for themselves.

But HOPWA is not just about being compassionate, it's also good public policy. Having stable, decent housing is the key to maintaining strict treatment regimens which have allowed thousands of people with AIDS to resume normal, productive lives.

HOPWA is a locally controlled program that provides communities with the flexibility to address local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for by Medicaid, which are often the only available shelter for people living with AIDS. In fact, while an acute-care facility costs Medicaid, on average more than \$1,000 a day assistance under HOPWA costs just \$55 to \$110 a day.

In Fiscal Year 2002 alone, HOPWA funds served over 60,000 people in 74 cities and 34 states across the nation. This is a well-run, far-reaching and successful program.

When I meet with members of the AIDS community, there is one need that is stressed about all others, and that is housing. Finding affordable housing can be extremely difficult for anyone. Throw in the added complications of living with AIDS—paying for expensive medication, the difficulty in holding a steady job, and perhaps facing discrimination—and it becomes nearly impossible. That's why HOPWA fills such a critical void.

But without sufficient funding, thousands of people will continue to be unable to access these critical services. In San Francisco alone, over 4,700 people are now on waiting lists for HOPWA-funded housing. We must do all we can to reduce this backlog.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. This amendment is a small step toward what is truly necessary, but even this modest increase will mean the difference between life and death for thousands of people. I urge the adoption of this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment, which would reduce funding for research through the National Science Foundation, NSF, polar research and to briefly discuss the overall NSF funding. Last year, the President signed into law my bill to re-authorize NSF, allowing for a doubling of funds over the next five years. Among other things, the bill expanded federally funded basic research efforts at America's colleges and universities. Improving science and math education in our country is important because this is how we train new generations of scientists and inventors. Just one example of how crucial NSF is; approximately half of the U.S. Nobel Prize laureates in science and engineering have received NSF research grants. Some of these Nobel laureates gained experience through polar research.

In addition to the purely scientific value that NSF contributes to society, the technological advancements that have resulted from cutting-edge basic research have been the primary force behind the economic and productivity gains of the last fifty years. I am disappointed that the overall increase for NSF is a lesser reduction than last year. Good research leads to the development of new and better products and more efficient ways to produce those goods at a competitive cost. Some examples of what basic federal R&D funding has given us today are the silicon chip, internet, web browsers, supercomputers resulting in more products and more efficient production. The world is getting more competitive, and we must keep finding ways to develop high-quality products that people want at a competitive cost.

Under my re-authorization bill that passed last year, NSF is authorized at nearly \$6.4 billion for fiscal year 2004, \$4.8 billion of that for research. The bill that we are considering today would only appropriate \$5.6 billion for NSF, with \$4.3 billion designated for research.

I understand that given the economy and the budget situation, it is necessary for Congress to make tough choices with funding. Still, I am disappointed that the bill before us today would fund NSF at nearly \$800 million less than its authorization level. Due to a lack of funding, NSF is currently forced to reject more than 30 percent of its highest rated peer-reviewed proposals. In addition, more resources are needed to invest in emerging fields of research like cyber security, information technology, and nanotechnology.

Mr. Chairman, this Nadler amendment would reduce funding for NSF polar research by \$5 million dollars. In light of the significant funding shortfalls that NSF already faces, it would be unwise to drain any more money out of this research program.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment to increase

HOPWA funding. This amendment is tremendously important for thousands of people afflicted with AIDS.

I appreciate the good work the Chairman has done on this bill, as well as the fiscal constraints of this budget cycle. The bottom line, Mr. Chairman, is when it comes to the HOPWA program I think we can do better.

The National Institutes of Health estimates there are between 850,000 and 950,000 Americans living with HIV and AIDS. A majority of these individuals will face a housing crisis at some point during their illness as a result of increased medical expenses and lost wages.

More than 200,000 people living with HIV/AIDS are in need of housing assistance and HOPWA is the only federal program specifically designed to meet this need.

The HOPWA program is one of the most cost-effective ways to provide people living with HIV/AIDS with adequate and affordable housing.

Acute care facilities under Medicaid cost more than \$1,000 a day as compared to HOPWA community housing, which averages \$55 to \$110 per day.

The program keeps those living with HIV/AIDS off the streets and out of expensive acute care facilities.

My predecessor, Stewart B. McKinney, died of AIDS-related pneumonia. His wife, Lucie, carries on his work as chairman of the Stewart B. McKinney Foundation. This foundation is dedicated to providing housing to persons and families living with HIV/AIDS.

The McKinney House and other HOPWA programs approach the HIV crisis in a truly caring, community-based and cost-effective manner. Because 90 percent of HOPWA funds are distributed to states by formula, states and localities control how money is spent—not the federal government.

Communities are empowered to use HOPWA funds to meet their unique housing needs, from providing short-term supportive housing for low-income persons with HIV/AIDS, to building new community residences.

The flexibility has, in large measure, contributed to the widespread success of the HOPWA program.

The bottom line is that money for HOPWA is money well spent. I urge support for the HOPWA Amendment.

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

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

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

SEC. 421. None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mor-

tality that differ based on the age of the adult.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, I rise today with the gentleman from California (Mr. WAXMAN) to offer an amendment which prevents the EPA from placing a lower statistical value on the lives of older Americans than the lives of other adults. The amendment is necessary because last year, under pressure from the Office of Management and Budget, EPA began applying an economic technique that assumes that the value of a life of an elderly person is worth less than other citizens.

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After a public outcry, EPA Administrator Whitman announced that EPA would stop using that technique. But OMB is still pursuing techniques that discriminate between people based on their age.

This amendment prevents EPA from asserting that older Americans are worth less than other adults. The effect of advocating methods that devalue the lives of some Americans makes health regulations that save lives appear less worthwhile.

Make no mistake, there is no dispute here over how many lives are saved; this dispute is over whether we are going to let EPA cook the books to make some people's lives worth less than others.

This amendment is supported by AARP and a host of different environmental organizations. I appreciate the supports of the Chair and ranking member. I understand the Chair of the subcommittee is willing to accept this amendment to ensure that EPA does not shortchange protections for senior citizens when considering proposals to protect the public health.

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

Mr. ALLEN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We have looked at the amendment. We compared it to what EPA's position is. We are very confident that the EPA has made it very clear that it will not use statistical analysis that devalues the lives of older people, that that was the right decision.

The gentleman's language is perfectly acceptable, and I have no objection to the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman ALLEN's amendment to protect seniors.

This amendment bars EPA from applying the discredited "senior death discount" when evaluating the benefits of pollution control. Instead, the amendment requires EPA to place an equal value on each adult life saved.

You may wonder why we need this amendment. After all, the right of equal protection is enshrined in our Constitution.

Well, here's the problem. When EPA adopts a pollution control requirement, EPA often looks at the public health benefits to decide whether to make the requirement more or less protective. In particular, EPA looks at the number of lives we could save by reducing pollution that causes cancer, heart attacks, strokes and other fatal diseases.

Then EPA translates the lives saved into a dollar value. You may or may not agree with putting dollar values on human life, but that's what the agency does.

Traditionally, EPA has said that all lives have an equal value. But recently, the White House Office of Management and Budget has been pushing agencies to base the dollar value of a life on the age of the person. Specifically, the Administration said that the life of each person older than 70 was worth 37 percent less than the life of a younger person.

That's just wrong.

It's so wrong that this past May EPA said it will stop. Then Administrator Christie Todd Whitman said: "EPA will not, I repeat, not, use an age-adjusted analysis in decision making."

But OMB didn't make any promises. According to Dr. John Graham, who oversees all of the Administration's rulemaking, the only thing wrong with the senior death discount was a technical flaw—the 37 percent discount wasn't the right number. OMB still insists that the value of saving a life may depend on a person's age. And OMB is still pushing EPA to use this technique.

This amendment says no. We're not less worried about air pollution if it "only" kills our parents and grandparents. Cancer isn't less painful when it strikes the elderly. Senior Americans have worked hard all their lives, and they don't deserve to be abandoned now.

I urge my colleagues to support this amendment to ban the Senior Death Discount.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LYNCH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LYNCH:

To insert after final bill section:

SEC. . SENSE OF CONGRESS REGARDING WAIT TIMES FOR VETERANS

An amendment expressing the sense of Congress that no veteran should wait more than thirty days for an initial doctor's appointment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. Chairman, I will not take the full 5 minutes, and I understand that the

gentleman from New York (Chairman WALSH) may be willing to accept the amendment. So I would like to yield to the gentleman from New York (Mr. WALSH) for a clarification.

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

Mr. LYNCH. I yield to the gentleman from New York.

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

We do agree. It is a good amendment, it helps the bill, and this is a worthy goal for the Veterans Administration; and we endorse the amendment.

Mr. LYNCH. Mr. Chairman, reclaiming my time, this amendment targets the long waiting periods faced by our armed service veterans. Many of those are World War II veterans who are trying to access for the first time in their lives the VA system itself. Many of those are trying to access the VA pharmacies in order to get prescription drugs. We have 160,000 veterans who have been on the waiting list for over 6 months. This is an opportunity with this amendment to address that problem.

In addition to our World War II veterans, I do want to say several weeks ago I returned from Iraq visiting our veterans in Baghdad, armed service people in Baghdad and Kerkook. I visited the 804th Military Battalion in Camp Wolf over in Kuwait. We have every reason to be proud of the men and women of our armed services and the job they are doing in the Mideast.

I would like to thank the gentleman from New York (Chairman WALSH) and also the ranking member, the gentleman from West Virginia (Mr. MULLOHAN), for their great leadership on this issue.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

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

SEC. \_\_\_\_ None of the funds made available in this Act may be used to accept, consider, or rely on third-party intentional dosing human studies for pesticides.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge the House to pass the Bishop amendment, which will continue the ban on the human testing of pesticides. Human testing of pesticides is wrong on many levels. It is morally wrong, it is ethically wrong, it is environmentally wrong, and it is even scientifically wrong.

In the wake of World War II and the horrendous crimes committed against humanity, many of them by doctors, American judges wrote what is called the Nuremberg Code when those doctors went on trial. This code prohibits non-therapeutic medical testing. Pesticide testing does not meet that criteria. Pesticide testing is not about public safety; it is about private interests.

Because of the stricter requirements of the unanimously passed Food Quality Protection Act of 1996, the pesticide industry has been under mounting pressure to reduce the risks that pesticides pose to infants and children. The industry has adopted a strategy to evade these requirements by testing pesticides on a small number of adult human subjects and to thereby remove safety factors and other protective requirements.

And unlike human testing of drugs, which has the potential to benefit test subjects or to directly improve human health, the pesticide industry's purpose in conducting human tests of pesticides is to weaken otherwise applicable health protections and to increase their profits. Intentional dosing of humans with pesticides is unethical since it is done to advance industry interests and to weaken otherwise applicable health protections, not to benefit test subjects or the public health.

At the end of the day, these tests are scientifically irrelevant for several reasons. Human tests of pesticides are scientifically invalid because they routinely test tiny numbers of healthy people, often just eight adult males, whereas a test of thousands of people is needed to yield statistically valid results for certain effects.

The results of these tests are non-applicable because they are testing self-selected, healthy adult males; yet the protections we seek are for all Americans, including vulnerable children. It is ridiculous to somehow infer if you do not witness symptoms in a small number of adult males, that the level of pesticide is therefore safe for a child.

When media reports first informed the American people that the pesticide industry was conducting human testing, the resulting outrage resulted in an EPA moratorium of the studies, as well as a panel to study the morality of the issue. In 2000, that panel concluded if the use of human subjects in pesticide testing can be justified, that justification cannot be to facilitate the interests of industry or of agriculture, but only to better safeguard the public health. That standard has never been met by the pesticide industry.

More recently, in December of 2001, in the wake of a public outcry after re-

ports that the Bush administration was considering using such human tests, EPA Administrator Whitman announced the EPA would not use these tests to make decisions. However, the pesticide industry sued, arguing that the EPA failed to follow the procedures required by the Administrative Procedures Act in adopting the policy. On June 3, 2003, a court agreed and set aside the Bush administration's temporary moratorium, ruling that the EPA followed the wrong procedures in adopting it.

We simply cannot allow human testing of pesticides to proceed on a loophole. Let us be ethically right, environmentally right and scientifically right, and pass this amendment to prohibit human testing of pesticides.

Mr. WAXMAN. I rise in strong support of the Bishop amendment.

Mr. Chairman, it is simply wrong to intentionally test pesticides on humans. Yet as we speak here today, the pesticide industry is doing just that.

These studies don't stand up to scientific and ethical requirements. In many cases, the pesticide industry conducts these studies overseas where it can more easily avoid public scrutiny and accountability. Often the studies are conducted without the informed consent of the test subjects. Sometimes, the test subjects are not even told they are being exposed to pesticides.

For example, in Scotland one company paid volunteers to drink orange juice that contained doses of the extremely toxic insecticide "aldicarb."

Some of the participants in this study are now suffering ill health. They are embittered because they say they would not have participated had they known they were being exposed to pesticides.

For most of the last 5 years, EPA has refused to consider these kinds of studies. Since the studies often violate the ethical standards that apply to most research, EPA has simply refused to consider pesticide studies conducted on humans.

However in November 2001, we learned that EPA had departed from its previous policy and was beginning to use these unethical tests. Congress and the public were outraged. As a result, EPA reestablished a moratorium on using these studies.

Unfortunately, just last month, the D.C. District Court of Appeals overturned the moratorium when the pesticide industry argued that EPA had made procedural mistakes in issuing the moratorium.

EPA's procedural mistakes are no reason to allow industry to intentionally expose humans to pesticides.

A number of religious groups including the Coalition on the Environment and Jewish Life and the Washington Office of the Presbyterian Church have written to Congress today on this issue. Let me tell you what they say:

We believe that it is deplorable and unethical to intentionally dose humans with substances designed to be toxic, with no conceivable benefit to the subject, solely for eliminating or lessening regulatory safety margins.

Mr. Chairman, Congress needs to act to stop this unethical and unscientific practice.

The Bishop amendment addresses this important ethical issue by reestablishing the EPA

moratorium in the coming fiscal year. Specifically, the amendment prohibits EPA from using studies which have intentionally dosed humans with pesticides. If EPA cannot use the studies, industry will have no incentive to conduct them.

I commend the gentleman from New York for his leadership on this issue.

I urge all Members to support the Bishop amendment.

Mr. BISHOP of New York. Mr. Chairman, I yield back my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by \$5,400,000) (increased by \$5,400,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

Mr. Chairman, I am offering this amendment to restore personnel levels at the Environmental Protection Agency's budget for compliance monitoring and civil enforcement to the FY 2003 level. I understand the committee's estimate of the number of positions for inspections and civil enforcement, that the current appropriations bill would reduce that level by about 54 positions.

This amendment would take \$5.4 million from the EPA's Environmental Programs and Management Account of nearly \$2.2 billion and redirect those funds to the EPA's Office of Enforcement and Compliance Assurance for salaries and other expenses to increase the personnel level for civil enforcement by 54 positions on the assumption that this amount is sufficient to cover the salary and expense of these employees.

It is also my understanding that these additional funds would be redirected from within the agency's entire operating budget and not reprogrammed from other enforcement functions such as lab support or travel inspectors.

Mr. Chairman, I recognize we have worked hard in a very difficult funding year to meet the needs of the EPA, and I would be most hopeful if the gentleman could accept this amendment.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MORAN of Kansas:

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

SEC. \_\_\_\_\_. None of the funds in this Act may be used by the Secretary of Veterans Affairs to provide reimbursement for beneficiary travel under section 111 of title 38, United States Code, based upon a mileage allowance rate that is less than the rate in effect under title 5, United States Code, for Federal employee travel.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

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

Mr. Chairman, the amendment that I offer today would raise the reimbursement rate for veterans traveling to health care facilities. The current standard reimbursement rate for Federal employees is 36 cents per mile, while veterans are currently reimbursed at the much lower rate of 11 cents per mile for beneficiary travel. This amendment would require the VA Secretary to reimburse veterans at the standard Federal rate.

In 1978, Congress enacted authority for the Secretary of the Department of Veterans Affairs to have the discretion to adjust reimbursement for certain veterans' travels to and from VA health care centers. At the time, the standard rate for reimbursement was set at 11 cents per mile. Reimbursement for eligible veterans is also subject to a \$3 deductible for each one way visit, not to exceed \$18 in one calendar month.

Each year, the VA is required to review the beneficiary travel rate and has not taken any action to increase it, despite that review. As a result, the VA beneficiary travel rate has not been adjusted for 25 years. In comparison, travel reimbursement for Federal employees is currently 36 cents, more than three times the rate we pay veterans.

I currently serve as the vice chairman of the Committee on Veterans' Affairs Subcommittee on Health, and have been long an advocate for improving veterans' access to VA health care. This is particularly true for those of us who represent rural districts, and in my case there is no veterans hospital in that district.

A reasonable reimbursement rate for travel is integral for our veterans actu-

ally being able to have access to the VA health care they are entitled to. I support an increase in the beneficiary mileage reimbursement rate; but, unfortunately, the only way that it can be paid for in today's proceedings is through compromising medical care.

Therefore, at the end of my remarks, I intend to withdraw this amendment, but I would use this as an opportunity to urge not only my colleagues, but the Secretary of Veterans Affairs, to request additional funding from Congress for a rate increase for beneficiary mileage.

Therefore, Mr. Chairman, I ask the cooperation of my colleagues in achieving this goal. I would ask that the Secretary work with us to come up with the necessary funding to increase that rate.

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

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

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NADLER:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after each of the first, second, and fourth dollar amounts, insert the following: "(increased by \$150,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND", after the first dollar amount, insert the following: "(reduced by \$150,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will upset the normal order of things by first yielding 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for offering this amendment and for yielding.

Mr. Chairman, this budget is clearly inadequate for our housing needs. The Committee on Appropriations was given too little to work with. I would be more sympathetic to the majority on the Committee on Appropriations if they had not all voted for the budget, which is the reason they had too little to work with. But by the time they are through with the tax cuts and other things, there is simply too little left here for basic housing needs, even to keep where we now are, and that has been too low.

Mr. Chairman, I include for the RECORD a document from the National Low Income Housing Coalition, which makes clear exactly how much of a shortfall there is.

Mr. Chairman, I want to commend the gentleman from New York for his amendment, which goes part of the way towards undoing the damage this bill will do to our housing programs.

**HOUSING APPROPRIATIONS INADEQUATE; 85,000 FAMILIES AT RISK**

Tens of thousands of low income families, seniors, and people with disabilities are at risk of losing their housing under the VA-HUD-IA Appropriations bill passed by the House Appropriations Committee on July 21 and set to be considered by the full House on Friday, July 25.

The most serious problem lies in the funding of the Housing Choice Voucher program. The Appropriations Committee appropriated \$583 million less to the program than is needed to renew every voucher currently in use by low income families, making it almost a certainty that at least 85,000 households will lose their housing assistance sometime in the coming year.

The Committee appropriated \$13.26 billion for the voucher program. Although the funding represents an improvement over the Bush Administration's request, which was \$1.26 billion short and would have jeopardized the housing of more than 180,000 families, the cut represents the first time in the history of the voucher program that Congress or an Administration would break the federal government's longstanding commitment to renew all existing vouchers.

"Housing is a foundation of our communities and our families," said NLIHC President Sheila Crowley. "The reality today is that millions of families just do not earn enough to be able to afford even modest housing. It is outrageous that in a time of economic downturn Congress not only is failing to address the unmet need, but is actually taking the unprecedented step of cutting families from the voucher program."

In addition, the House bill does not provide funding for existing vouchers that are not in use at the beginning of FY04. As a result, a further 95,000 authorized vouchers that could potentially have been used to serve additional families from waiting lists will be defunded, according to the most recent data analysis by the Center on Budget and Policy Priorities.

The cuts come while only a fraction of eligible households receive vouchers, which typically pay the difference between 30% of the family's income and the rent on a modest rental home. Most families seeking assistance face a several year wait. In larger cities, waiting lists can be as long as eight to 10 years.

"The Administration and Congress enacted reckless tax cuts benefiting the wealthiest elites of this country, and now it is hard-working families and seniors struggling to make ends meet who will pay," Ms. Crowley added.

The Committee did rebuff the Administration by failing to take steps to turn the voucher program into a block grant to the states, something the Administration has been urging. Advocates have expressed serious concern about the block granting plan, as block grants typically decrease in value over time and allow states to make changes to programs that can lessen their effectiveness and original intent.

The Committee has allocated a net appropriation of \$31.8 billion to HUD, not including offsets. The \$31.8 billion is an increase of \$817 million from last year's budget and a \$96

million increase from the President's requested budget. While the appropriation looks as if it is a slight increase, the amount is inadequate because housing costs have risen rapidly in the past year, meaning that additional funding is required to serve the same number of households.

In addition, the appropriation does not consider the increasing number of low income people who are unable to afford a home. There is currently a 2 million home gap in the number of lowest income families (those in bottom income quintile) and the number of rental homes affordable to them, and the committee does not address this need.

In constant dollars, the amount appropriated to housing for low income people continues to decline. HUD's FY04 budget of \$31.8 billion would be only one-third of the FY1976 HUD budget (in the last year of the Ford Administration, in 2002 constant dollars).

Besides the voucher program, key provisions of the bill include:

**HOPE VI.** The Administration targeted the HOPE VI program for elimination in FY04. The Appropriators instead allocated \$50 million to the program, a small fraction of the \$574 million it has received in recent years. The program, which helps communities rehabilitate and demolish distressed public housing, has received bipartisan support by many Members of both the subcommittee and the full House. However, it is unlikely the full House will find funding for the program equal to current levels.

**Public Housing.** The public housing capital fund would receive \$2.7 billion, level funding from FY03 and \$71 million more than the President requested. The funding for capital needs remains wholly inadequate, given the \$20 billion estimated backlog in capital needs. The public housing operating fund, which funds operating expenses such as utility payments and maintenance, was appropriated a total funding level of \$3.6 billion. The appropriation represents a \$250 million shortfall, although it is \$26 million more than the President's request and \$23 million above the FY03 funding level.

Two of the President's much-touted initiatives were not fully funded: The American Dream Downpayment Initiative, which would provide downpayment assistance to first-time homebuyers, received only \$125 million of the \$200 million the President had requested. His Samaritan Initiative, which would provide \$50 million for housing and services for people experiencing long-term homelessness, was not funded.

In addition, the Committee tempered other of the Bush Administration's attempts to cut funding. As it has done for the past two years, the Administration did not request any funds at all for the Rural Housing and Economic Development program. Appropriators reinstated funding to \$25 million, last year's level. The Brownfield Redevelopment program, intended to redevelop contaminated sites and provide jobs to low income people, was appropriated \$25 million despite the Administration's attempts to eliminate the program. The subcommittee suggested in the report that HUD work collaboratively with the Environmental Protection Agency to redevelop sites.

Mr. NADLER. Mr. Chairman, I yield myself 2 minutes.

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

Mr. NADLER. Mr. Chairman, this amendment would increase funding for section 8 housing vouchers by \$150 million to help low-income families afford

safe, decent housing. To offset this increase, the amendment cuts the working capital fund from the management and administration accounts by an equal amount.

The need for housing assistance is staggering. As of January 1, the New York City Housing Authority had 142,000 applicants on its waiting list for section 8. And it gets worse. The section 8 waiting list has been closed to new applicants since December 1994, and there is still 142,000 people waiting, just in New York City. In 1999, a HUD study concluded there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or lived in severely substandard housing.

In the last several years, housing prices have continued to skyrocket, and with the stagnant economy and rising unemployment rates the problem is probably even worse and more severe today. We must not ignore the desperate situation facing these families any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. More than 2 million American families benefit from section 8 vouchers. For these families, section 8 is a lifeline and enables them to live in decent housing.

□ 1545

Mr. Chairman, why are we planning to undermine the program in this bill by not expanding it?

The fact is, as recently as a few years ago, in fiscal year 2001, we increased the number of vouchers by 79,000. In fiscal year 2002, we increased it by 18,000. Last year we increased it by zero. This budget proposes to increase it by zero.

The amount of money I am proposing to put into this bill will increase a mere 23,000 new vouchers. Waiting lists are in the millions. We can afford the offset. We have already appropriated over \$1 billion in the last couple of years to upgrade the computer system. We are proposing \$330 million more this year. We are saying, take about half of that, less than half of that, and provide services for people. If it takes HUD a little longer to upgrade its computer system, they will live with that, so 23,000 people will have decent housing.

Mr. Chairman, that is a fair trade, and that is why I urge my colleagues to support this amendment.

JULY 25, 2003.

To: Members of the House of Representatives.

Re funding for the Housing Choice ("Section 8") Voucher Program.

As members of the faith community, we are writing to express our concern about funding for the Section 8 housing voucher program. Our organizations serve millions of low-income individuals and families who, despite their best efforts, are struggling to meet their basic needs and to achieve economic stability. To many of those we assist, the lack of affordable housing presents a considerable obstacle, and the Section 8 voucher program offers in turn a critical

form of assistance. Through our work, we are witness to the important role that housing vouchers play in preventing homelessness, and in helping low-income individuals and families to make progress towards economic stability.

Congress has for many years expressed a strong commitment to the Section 8 voucher program, consistently voting to increase the number of vouchers authorized and to fully fund all authorized vouchers. This commitment has been important, as the need for housing assistance has continued to expand. In most communities, there are long waiting lists for Section 8 vouchers, and it is estimated that only one third of eligible households receive voucher assistance.

To our disappointment, however, Congress appears to be retreating from this commitment. In the appropriations law for 2003, Congress failed, for the first time in recent memory, to include funding for incremental Section 8 vouchers. This week, the House Appropriations Committee reported out a VA-HUD appropriations bill for 2004 that would, by its own estimate, fund only 96 percent of authorized Section 8 vouchers, and again includes on funding for incremental vouchers.

Moreover, while we appreciate that the House Appropriations Committee has made a sincere effort to improve on the President's budget request for the voucher program, and we recognize that estimating future voucher costs is difficult, there is reason to believe that the Committee's estimate is overly optimistic. Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. For example, in an analysis of the most recent voucher cost data from the U.S. Department of Housing and Urban Development, CBPP estimates that the Section 8 appropriation in the House bill would be sufficient to renew only 91 percent of authorized vouchers, and is approximately \$580 million short of the funding that will be necessary to fully renew vouchers leased in 2004. A shortfall of this magnitude would have a destructive impact on thousands of vulnerable households—85,000 households, by CBPP's estimate—the great majority of which are working families, elderly, or disabled.

We therefore urge you to renew Congress's commitment to fully fund the Section 8 voucher program. Specifically, we ask that you increase the Section 8 appropriation sufficiently to ensure that all authorized vouchers will be funded, and to make certain that no households using vouchers in the coming year will be denied funding.

As faith-based organizations, we are committed to strengthening our communities by assisting those who are the most vulnerable, and we believe that our work is not simply a matter of charity, but of responsibility, righteousness, and justice. We urge you to assist us in our work by renewing Congress's commitment to fully fund and expand the Section 8 voucher program.

Sincerely,

American Baptist Churches USA.  
Call to Renewal.  
Catholic Charities USA.  
The Episcopal Church, USA.  
McAuley Institute.  
NETWORK, A National Catholic Social Justice Lobby.  
Presbyterian Church (U.S.A.) Washington Office.  
United Jewish Communities.  
Volunteers of America.

Mr. Chairman, I am offering, with Congresswoman VELÁZQUEZ, this amendment to increase funding for Section 8 vouchers by \$150

million to help low-income families afford safe, decent housing. To offset this increase, we propose to cut the working capital fund from the management and administration account by the same amount.

The need for housing assistance is staggering. As of January 1, 2003, the New York City Housing Authority had 141,837 applicants on its Section 8 waiting list. And it gets worse. The Section 8 waiting list has been closed to new applicants since December 1994. That is just in New York City.

In 1999, a HUD study concluded that there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or who lived in severely substandard housing. In the last several years housing prices have continued to skyrocket, and with the stagnant Bush economy and rising unemployment rates the problem is probably even more severe today. We must not ignore the desperate situation facing many families or the severity of their needs any longer.

I challenge anyone to argue that tenant-based Section 8 vouchers do not achieve their goals. More than 2 million American families benefit from Section 8 vouchers. For these families, Section 8 is more than a contract or a subsidy; it is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. Thanks to Section 8, families are able to afford decent, safe housing. Nothing extravagant and, frankly, sometimes not very nice at all, but much better than the alternative.

Research supports the benefits of Section 8 housing. Section 8 children are much less likely to be involved in violent crime, and they are more likely to stay in school and improve their educational performance. Section 8 families are more than twice as likely to leave welfare, and have success moving into the workforce. Based on these and other findings, the bipartisan, congressionally-chartered Millennial Housing Commission strongly endorsed the voucher program in its May 2002 report, describing the program as "flexible, cost-effective, and successful in its mission."

So why are we planning to undermine the program in this bill?

The bill, in its current form, does a terrible disservice to those most in need. Unlike the previous administration which in the year 2000 requested 120,000 incremental Section 8 vouchers, the Bush Administration would prefer to block grant the program and cut its funding. Thankfully, not even the Republicans agreed to such a radical proposal. However, this bill would contribute to the growing backlog of families who can't afford decent, safe and sanitary housing.

I want to quote from a letter from religious organizations throughout the country who write that "Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. . . . CBPP estimates that the Section appropriation . . . is approximately \$580 million short of the funding that will be needed to fully renew vouchers leased in 2004." That means that 85,000 households will be affected.

Our amendment will allow about 23,500 more families to live in safe, affordable, decent housing. It is not asking for much. We can and should do more. But today, we only ask for a very modest amount.

Franklin Delano Roosevelt spoke eloquently in 1944 of the fact that, and I quote: "True individual freedom cannot exist without economic security and independence. Necessitous men are not freemen." FDR was right—every family deserves a decent home.

President Roosevelt's commitment to provide decent, safe, affordable housing to those who could not afford the rents in the private market continued through both Democratic and Republican administrations. Richard Nixon, Ronald Reagan and the first George Bush all—to some degree—continued that commitment. And yet today, this bill does not properly fund Section 8 housing vouchers. Families in need will suffer under this bill if we cannot amend it.

We must house our people. Let's continue the legacy of this great nation. Please vote yes on the Nadler-Velázquez amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would not slow down HUD's ability to operate; it would slash their annual funding that is required to keep their information technology systems, it would cut it about 67 percent, two-thirds of their ability to manage their information in that department.

The adoption of this amendment would likely bring the department's day-to-day operations to a halt. Public housing authorities would not get paid, grants would not be made, commercial lenders would be unable to process FHA-insured loans.

I share the sponsor's desire to ensure that adequate funding is available for Section 8 renewals, and I believe that the bill does just that. Last year, we instituted major reforms for Section 8 to better estimate actual funding requirements and to end the chronic problems of recapture. This bill continues these reforms.

We have provided \$11.6 billion for Section 8 renewals, the full amount necessary to support the projected actual requirement based on the latest verified cost and use data. In addition, we have included another \$568 million in Central Fund as a cushion, should actual renewal needs be greater than projected. This means that in total, the bill provides over \$12 billion for Section 8 voucher renewals, an \$810 million increase over our 2003 bill, and \$205 million more than was requested in the budget, 7 percent above the 2003 level.

Last year, there was much discussion and debate over the funding methods that we used, if they would provide adequate funding for 2003. Based on current spending to date, it appears that our new funding methodology is pretty close to the target. In fact, of

the \$381 million cushion we provided in Central Fund for 2003, only \$99 million is estimated to actually be spent this year, leaving those funds available for 2004, in addition to the \$568 million we have included in this bill.

I understand that an outside interest group has provided its own analysis of Section 8 funding requirements, a group that I would note fought the reforms we adopted in 2003. This analysis was not based on HUD data; it was based on unverified information submitted by public housing authorities. It is my understanding that HUD's experts have repeatedly warned this group and others that this information was neither appropriate nor reliable for accurately predicting Section 8 funding needs.

Let me assure my colleagues that this subcommittee will continue to work closely with the experts at HUD to monitor and examine the estimated Section 8 funding needs as we move through the process and verified, reliable data becomes available.

Mr. Chairman, I urge the rejection of this amendment.

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

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend from New York for yielding me this time.

I rise in strong support of the Nadler-Velázquez amendment to provide decent, affordable housing to the working poor. While I salute the work of the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for making the best possible bill with the awful budget constraints they were given by the leadership of the House, the facts demonstrate that the Section 8 housing program is badly underfunded and, at this level, will lead to the possible eviction and homelessness of 85,000 families.

Who are Section 8 families? They are the working poor who cannot afford housing in today's high-priced markets, in my district in such places as Queens and the Bronx. They contribute 30 percent of their income to housing, so it is not free housing we are talking about. Section 8 serves as a vital tool to help those families whose only other choice is the streets.

In my district, I see a number of Section 8 houses threatened, such as the Seward Manor in the Bronx in New York, which I represent. I am working to save the homes of those families, but without Section 8 vouchers, this will be a losing battle.

I can also just add to this that I know there are landlords in New York City who are refusing Section 8 vouchers as they exist right now. We should be enhancing this program, making them more lucrative to landlords to accept. In fact, the enhanced vouchers are threatened by landlords of being rejected.

This is a real crisis, potential crisis in the City of New York. We see homelessness on the streets rising on a daily basis. We should not be contributing to that factor. These are hard-working people, working people, not just poor people. They are working poor people. They are people struggling each day to put food on their plates, to afford to buy prescription drugs and, at the same time, affording themselves the opportunity to have a roof over their heads, that are being threatened right now with the decrease in enhancement of vouchers in Section 8:

So I would ask my colleagues to support this amendment and give an opportunity of hope to people who desperately need that in Section 8 vouchers.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, let me, first of all, compliment the gentleman from New York (Mr. NADLER) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership on this issue. Let me dwell for a moment on the 185,000 families that my colleague from New York alluded to earlier.

At a time when unemployment in this country is rising, at a time when poverty is rising in major parts of this country, it strikes me that this, frankly, is the kind of program that we ought to be investing more into, and not less.

Section 8 has a bipartisan history. There was a time, Mr. Chairman, when many of our colleagues on the other side of the aisle firmly embraced this program as an example of the public sector and the private sector combining together.

In so many ways in this budget, particularly in the area of housing, we are dismantling tools, we are deconstructing tools that we ought to be putting more behind. I am deeply concerned about that. Just 3 weeks ago in my district, we held a Section 8 event and we drew in, in Birmingham, Alabama on a Wednesday night, 250 people to come out because they were concerned about the changes in this program.

Now, I compliment the leadership of the subcommittee for not doing the block-granting that the President wanted to do, and I compliment them for putting more money behind this program than what the President wanted to provide. But as I looked into the faces of those 250 people who came out, it was clear to me that they need this kind of program. They need it to be well-funded. A number of them, close to 1,000 of them in the State of Alabama, stand to lose their funding under this budget. That is a very cruel signal for us to send these hard-working Americans who are not getting the child tax credit check today that they ought to be getting, and who are facing so much economic anxiety and insecurity right now.

This bill is flawed in so many ways, Mr. Chairman, because it makes the wrong set of investments, it chooses the wrong set of priorities. So many of us in this House regularly talk about extending opportunity. This is a means of extending opportunity, because when we give people a chance at housing, when we give people a chance to have the spark of homeownership, this is a huge benefit to them.

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

Mr. Chairman, first, let me note and thank the gentlewoman from New York (Ms. VELÁZQUEZ) for coauthoring this amendment with me. She could not be here on the floor right now, but it is her amendment as well as mine, and I want to express my appreciation to her in public for all the work that she has done on this amendment.

Second, the distinguished chairman said that an outside interest group estimated the costs of the vouchers. The fact of the matter is, and I quote from a letter from some church groups, religious organizations throughout the country who wrote, "Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities suggest the committee's estimate is based on voucher cost assumptions that are too low" because, in fact, they are a couple of years out of date. "CBPP estimates that the Section 8 appropriation is approximately \$580 million short of the funding that will be needed to fully renew vouchers leased in 2004."

That means that about 85,000 vouchers will not be paid for, assuming the Congressional Budget Office and the Center of Budget and Policy Priorities are more correct than those of the Department, for which I would rather give them the benefit of the doubt than I would the Department.

This amendment would restore funding for 23,500. Frankly, it is simply unacceptable in a time of rampant homelessness, in a time when in New York City, and I use this as an example because conditions are bad in many places, the waiting list for public housing was closed in 1994 and the waiting list is almost 200,000 since then. You cannot get on the waiting list in the last 9 years.

People are desperate for housing. It is unacceptable to have a budget that purports to increase the number of Section 8 vouchers by zero, and that may very well, if in fact the CBO and the CBPP were correct in saying that HUD estimates of costs are wrong, may very well cut it by 85,000. That is just not acceptable.

So I urge my colleagues to accept this amendment. Yes, it will present some difficulties perhaps with computerization. HUD can survive that. But this will enable 23,500 additional households to have decent housing, maybe 23,500 additional kids to be able to learn in school instead of not being able to learn in school because they have no place to do their homework

and no decent place to literally hang their hats.

This is a modest, minimal amendment. It is minimal decency. We should be doing it 10 times larger, but given the constraints of the budget, the constraints of the tax cut, this is the least we can do.

I am sorry, by the way, if it were not for the constraints of the tax cuts and the budget that were forced on this side of the aisle by the other side of the aisle, we would not have to take \$150 million away from this computerization program. We would not have to have that offset. We could simply say, in decency, let us help provide more people with decent housing.

But we must do this offset. The offset may not be the best thing, but it is a heck of a lot better than 23,500 families not having decent housing.

So I urge my colleagues to support this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to increase funding for Section 8 vouchers. This successful program is the principal form of housing assistance for low-income families, the elderly and the disabled.

For the last several years, I have taken to the floor with like-minded colleagues time and time again to decry the deep and sweeping cuts being made to the HUD budget. In FY 2001, 79,000 new vouchers were appropriated—that was the last year of the Clinton Administration. As soon as President Bush took office, the number of new vouchers dropped to 18,000. In FY 2003, no new vouchers were appropriated.

During these debates we have discussed how rising housing costs are far outstripping income growth for low-income Americans. We contrasted the growing need for housing assistance, with the drastic cuts to HUD's budget. And we warned that by allowing the housing crisis to take firm root in time of economic prosperity it would grow beyond control during an economic downturn. Well, Mr. Chairman, you reap what you sow.

Unemployment is up, the markets are down, and housing costs continue to rise. The need for housing assistance is skyrocketing across the nation, and homelessness is at a 10-year high. In fact, the housing crisis is so bad in New York City that low-income families were actually housed in jail cells.

Our cities and States have continuously called on the Federal Government for assistance—yet never has a HUD budget so directly exacerbated this national housing crisis. President Bush's FY 2004 HUD budget proposal called for a mere 5,500 new vouchers.

This spring, my colleague from New York and I sent a letter to chairman and ranking member of this subcommittee, signed by 66 Members of the House, urging funding for 79,000 new vouchers. This request was soundly ignored. We were all well aware that the Republican tax cuts would put us in such a budget crisis that funding for all low-income programs would be on the chopping-block. But I never thought that we would be standing here today voting on a budget that actually cuts current Section 8 assistance for 85,000 families, and will likely lead to their eviction.

The Nadler-Velázquez amendment offers some relief by providing an additional \$150

million for this account. It would protect nearly 22,000 low-income families whose housing is jeopardized by this bill.

Clearly, the entire VA-HUD appropriations bill is underfunded. And using funding from one Federal program to offset another is less than ideal. While Mr. NADLER and I reluctantly included this offset, we unequivocally support increasing Section 8 funding. I urge my colleagues to support the Nadler-Velázquez amendment—and the right of low-income American families to safe, decent, affordable housing.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to provide an additional \$150 million for the Housing Certificate Fund for housing vouchers.

First I want to acknowledge that Chairman WALSH and his staff improved upon the President's request for the Housing Certificate Fund, particularly by using a more up-to-date estimate of the average annual cost of each housing voucher. But I am concerned that the average cost estimate used may yet be insufficient to actually renew all currently used vouchers.

I understand the need to base estimated costs for the housing voucher program on financial statements that have been audited by HUD. But the audit work takes time, such that by the time the audited data is available, it is almost certainly out-of-date. The bill before us does not use the most recent estimates from HUD on the number of vouchers currently in use and the average cost of each voucher.

It is true that the most recent data, based on information provided to HUD by State and local housing agencies in April 2003, does not come from audited financial statements. But we should not completely ignore what it tells us about average voucher costs, in particular.

The experts at the Center on Budget and Policy priorities have produced a report indicating that, based on this most recent HUD data, the bill before us is very likely \$583 million short of what is needed to fully renew all currently used vouchers. That shortfall, if borne out next year, would result in at least 85,000 fewer families with access to vouchers—and the number could be much higher depending on how public housing agencies might decide to absorb the reduction in real funding.

Most of the shortfall, according to the Center, comes from an underestimation in the House bill of the average annual cost of each voucher by some \$300. And before anyone dismisses this estimated cost out of hand, I want to point out that it is very close to the average annual voucher cost estimated by the Congressional Budget Office for FY 2004.

The Nadler-Velázquez amendment is not proposing to provide the full \$583 million that the voucher program may well need during the next fiscal year. Instead it proposes a much more modest increase in funding that would provide a margin of safety for the many low-income families around the country who rely on housing vouchers. At the very least, we should provide this incremental amount of funding for the program, and we should also be prepared to supplement funding for the program next year as the more up-to-date can be better verified by HUD.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

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

A recorded vote was ordered.

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

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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 for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

Mr. HOBSON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Texas (Ms. JACKSON-LEE).

□ 1600

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

I thank the chairman and the ranking member of the subcommittee on VA-HUD appropriations, first of all, for the excellent work they have done. This is a tough legislative appropriations or appropriations bill to manage with several agencies. And I do know that many of us are still struggling to work to ensure greater assistance of veterans, but I believe that this has been a cooperative effort and look forward to supporting this legislation.

I offer a very simple amendment on one of the supporting agencies, NASA. NASA is an agency that gives us great pride, but in the last 6 months we have suffered with the *Columbia 7* tragedy. I serve as a member of the Subcommittee on Space and Aeronautics and have worked over the years as a member of that committee on one question: beyond the question of human space flight is safety, safety, safety.

What this amendment does as we begin to prepare ourselves for Admiral Gehman's report on what happened with the *Columbia 7* tragedy and the

loss of life of those brave young men and women, it is to understand that NASA must change its culture and begin to promote safety as an important issue.

I am very gratified that the chairman and ranking member of the committee are concerned about these issues and realize that they will be addressing them as the Gehman report is rendered. We would like to work with you in collaboration. The Committee on Science ranking member, the gentleman from Texas (Mr. HALL), and the gentleman from New York (Chairman BOEHLERT) have worked on this question; we would like to work with you and be prepared to assist in whatever resource is necessary to promote safety.

This amendment says that we should not lose the skills and the expertise of employees that deal with safety as it relates to the international space station and as well the Space Shuttle. We should not lose those employees in terms of any buy-outs that might be pending at this time. All of the expertise we can muster to save lives and promote safe human Space Shuttle flights and safety on the international space station should be our goal as part of this Congress. I ask my colleagues to support this amendment. I appreciate the consideration.

Mr. Chairman, I have always been a staunch supporter of NASA and its manned and unmanned space exploration missions. However, the *Columbia* disaster and the loss of seven of my neighbors from Johnson Space Center outside of Houston has opened our eyes to some deep seeded problems at NASA that need to be addressed. NASA needs a new culture of safety and a renewed commitment to the well-being of their spacecraft and crew. I am troubled by the fact that on Tuesday of this week, the Chairman of the Science Committee pushed through legislation, urged by the NSAS Administrator, that will give the NASA Administrator unprecedented flexibility to reorganize the NASA workforce. The bill was about bonuses, and buyouts, designations, and transfers. The bill was rushed through, over protests from the minority, despite the fact that Admiral Gehman and the Columbia Accident Investigation Board, will be giving us a detailed report next month regarding the cause of the *Columbia-7* disaster, and the technical and workforce changes necessary to prevent further losses.

It was only after hard work and pressure from us Democrats, with great leadership from my colleague from Texas, Ranking Member HALL, and my colleague from Tennessee, Space Subcommittee Ranking Member GORDON, that some common sense safety provisions were added to that workforce bill. But again, safety seemed to be an afterthought, rather than a top priority in NASA policy.

Two more excellent safety provisions offered by Mr. HALL were blocked by the majority in the Science Committee, and I am concerned that due to long delays in putting forth a NASA reauthorization bill, these provisions might not be able to be put into place in time to prevent loss of lives, or the loss of multi-billion dollar spacecraft, so I hope my colleagues can support their insertion here.

My first amendment will prohibit any funds from being used for "buyouts"—financial in-

centives to encourage retirement—until the Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

This amendment will help ensure that we do not put management "flexibility" before safety. I am concerned by reports that NASA may not have given high enough priority to safety and quality assurance in the past. We will learn more about that from the Gehman report later, however, I understand that in some cases there is only a single safety expert responsible for a given project subsection.

Therefore, I am worried that if we give the Administrator a flexibility offer to encourage experienced people to retire—we could lose critical knowledge and expertise, and compromise missions in the future.

This amendment will not let that happen. It is a smart and unobtrusive provision. I hope my colleagues can support it.

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

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) still insist on his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my reservation. After hearing the explanation, we are willing to accept the amendment.

The CHAIRMAN. Are there any Members seeking time in opposition to the amendment?

If not, the question will be on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; HAZARDOUS SUBSTANCE SUPERFUND" after the second and fourth dollar amounts insert "(increased by \$114,716,000)".

In title III, in the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND EXPLORATION" after the second dollar amount insert "(reduced by \$114,716,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from New Hampshire (Mr. BASS) and I are at this point going to attempt to move money from the program which has funded the Prometheus program in NASA's budget over to deal with the shortfall in the Superfund clean-up program which is one that has not met the amount which President Bush requested in this budget. Now, as the bill itself is structured, there is such an increase in the program for Prometheus that it does leave over substantial money that if it was shifted over, that would ensure the full funding of the Superfund program as President Bush requested it, combined with a still sub-

stantial increase in the Prometheus program, and that is what we will consider today.

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

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

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, we had to make some really tough choices in this bill. I believe that the \$1.3 billion that we provided for the Superfund program given our allocation and the demands of the bill is the right level. This level keeps cleanups going at a steady pace. A cut of \$115 million to NASA would severely hamper the operations of NASA, and I think it would send a terrible signal. It would seem like the Congress is bailing out on NASA at a time when they are in a crisis, and we are awaiting the report from the Gehman Commission.

If the gentleman wants to find money somewhere else in the bill, well, at this point I guess it is too late to do that. But NASA is dealing with unknown costs associated with the return to flight following the Columbia accident. We have to await the Gehman Commission report, and this would really send a bad signal.

It would also place in jeopardy many worthwhile space and Earth missions which would improve the understanding of our world, basic knowledge, which we, as humans, strive for. So I would urge Members to support the Superfund budget at \$1.3 billion to maintain critical funding at NASA, and reject the gentleman's amendment.

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

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), the co-sponsor of the amendment.

Mr. BASS. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me time. I agree and I appreciate the fact that the gentleman from New York (Mr. WALSH) has to make funding priorities in these difficult times. However, what this amendment seeks to do is to return funding or raise funding to what the President's request was for this program.

I certainly support NASA in such respects, but this Project Prometheus is still going to receive a 30 percent increase after the money is removed for Superfund clean-up. And what the project basically is is an effort to study 3 moons of Jupiter. Even NASA space science chief Ed Weiler told Science Magazine in late March of this year that "Prometheus is more vision than reality" and the entire effort must cost between 8 and 9 billion over the next 10 years.

Now I am not here to bash NASA or Project Prometheus, but it is an issue

of priorities. Now, of the 10 sites that will not be addressed this year because of this reduction in funding, three of them are in New England and one of them is in Merimack, New Hampshire, and it is an extremely dangerous area which is emitting all sorts of noxious chemicals which need to be addressed immediately.

I hope that this Congress and this Committee on Appropriations will seriously consider this small reallocation which will address a problem 10 different places around the country facing very significant issues now.

Project Prometheus is a project that is going on for a long time. The moons of Jupiter are going nowhere, but the people who live around these Superfund sites are people that are affected and potentially affected by this issue every single day. I urge the Congress to adopt this amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's amendment shines the light on the problem we have in this bill: to provide additional funds for one account, you have to raid another account. There has to be an offset. That is why so many of the account funding levels are very similar this year as to last year.

In this case, the amendment seek to add funds for EPA Superfund clean-up efforts. It is a good thing, certainly. I think that all of us or at least a great majority of us support the Federal Government playing an important role in providing some of the resources that communities across this country need to ensure that former industrial sites are not a health risk and are reclaimed and reused.

The funds permit EPA to not only provide resources for removal and remedial actions, but also to ensure that primary responsible parties contribute to the clean-up of the site, all very good things.

As an indication of the support for these efforts, the bill as presented provides \$1.275 billion for the hazardous substance Superfund. This represents a small increase of \$10 million from the current year's funding. The amendment would add a further \$114 million to the account in bringing the funding level to what the administration requested, but at what cost?

To allow for the increase the President proposed, cuts and program elimination throughout the bill would be the cost. The gentleman has a different offset in mind. He would look to a NASA program, Project Prometheus. NASA is an agency that as many of you know has been essentially flat-funded for most of the past decade. This program started last year would develop radio isotopes, thermo-electric generators, and nuclear propulsion for planetary exploration space craft technology. And this is technology that if developed would make the exploration

of different planets cheaper and more reliable.

The bill provides the budget request for the program, \$279 million. A reduction of \$114 million would cause a severe disruption to this program at a time when NASA cannot afford budget cuts and should be receiving additional resources.

The bill contains funding for \$1.275 billion for Superfund activities. That is a slight increase over last year's level. The funding the amendment would add represents an increase of less than 10 percent. However, the cut proposed for the NASA initiative is roughly 40 percent of that program. If the bill before us had reduced funding for Superfund, I might be in a different position, might be; but as it stands, that account is treated as well as any in this bill. One account should not be gutted to provide funding for another when this bill has been as delicately balanced by the chairman as it has been.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate the leadership that the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Hampshire (Mr. BASS) have provided.

I rarely take exception to what I hear from my good friend from New York and the good work that he does with his colleague from West Virginia. But the fact is that we are not keeping up with our Superfund responsibilities. We have backed away from having the Superfund polluter paid concept to having a stream of money. We are cutting back on sites. There are places around the country, including some that I have seen in Upstate New York, that would benefit from this dramatically.

I would feel different if I felt that we were somehow taking some finely balanced program. We have been trying to get information about Prometheus and find out why it would be crippled if it had only a 30 percent increase, which is what the gentleman's amendment would provide. I think this is nebulous. It is a decade-long project that is going to involve billions of dollars. Right now if we are going to promote livable communities in our cities, in our districts, we ought to approve this amendment, be able to provide at least another 10 sites, including one in my district. I think the American people would be well-served. I strongly urge the adoption of this amendment.

Mr. WALSH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has 5½ minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 6 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

I want to rise as a strong supporter of the Superfund program. We have dealt with real challenges in southern California with Superfund clean-up. I want to congratulate the gentleman from New York (Chairman WALSH) for the \$1.3 billion level for the Superfund that exists. And I know that there are other needs that continue to exist out there, and I would support efforts to find ways in which we could address those needs. But, Mr. Chairman, I have to say that I believe as we look at the challenge of space exploration and the NASA program, it would be extraordinarily short-sighted of us to make this kind of attack, and it is an attack on NASA and the Prometheus program.

□ 1615

In the last couple of weeks we have just seen the launching of the very, very innovative and a program with great potential, a Mars program which will have a scheduled landing for January, 5 months from now. The Prometheus program is designed, Mr. Speaker, to enhance the opportunity to increase the speed of travel. As we look toward ways to increase that, I believe the Prometheus program is the one way in which we can pursue it.

My very good friend from New Hampshire (Mr. BASS), cosponsor of this amendment, used the term "going nowhere" in describing this Prometheus program, and I have to say from having spent a great deal of time, as my colleague, the gentleman from California (Mr. SCHIFF), and I have, with a number of the engineers, those who are involved in this program, we know that if you do not take risks, you are not going to learn anything. That was said to me by the former director of the Jet Propulsion Laboratory in Southern California, Dr. Ed Stone, and I believe that we do need to do everything that we possibly can to pursue it.

My friend from New Hampshire loves Model A automobiles, and I know that at the time that that brilliant new vehicle came on line, the Model A, there were many people around who were focused simply on the horse as a means of transportation.

It is obvious that, as we look towards our future, we have great potential in space. We also know that the NASA program itself has been undergoing some great challenges after the *Challenger* disaster and other difficulties that they have faced in the past. That is why I urge my colleagues to, while we support the concept of dealing with Superfund and want to enhance that, please do not attack this very, very important Prometheus program in so doing.

I thank my friend for yielding me the time.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the number

of Members of the majority party who come up and concede, there is not enough here and not enough there. That was their decision. They voted to cut taxes on wealthy people and then voted for a budget that constrains them. So as they complain about these constraints, remember that this is self-flagellation in almost the literal sense.

Given the bad position they have put us in, we have to make choices. Nothing in the gentleman's amendment would interfere with NASA's ability to solve the problems that led to the tragedy of a few months ago. Indeed, the opposite is the case. At this point, NASA ought to be focused on preventing that kind of tragedy, rather than going into new programs that would divert resources and attention; and instead, we have the Superfund program.

The gentleman from California said, Well, you have got to take risks. If, as a society, we decide to take risks, that is one thing. But I do not think the people who live in Fairhaven, Massachusetts, ought to have to take the risk of living next to a Superfund site that has been certified by the EPA as a Superfund site; and now they tell us they have not got enough money to continue.

The gentleman from New York says this is \$10 million more, a slight percentage increase than what we now have, but what we now have is a recent announcement by the EPA that existing Superfund sites will get no work. The EPA has just announced some of the hazardous sites in this country will be left in their current situation because they have not had enough money, and we are being told, well, you should be happy we are continuing the situation in which existing Superfund sites will not get the money.

I think it is important to deal with space, but not at the expense of exposing citizens of this country today to the hazards of Superfund sites, and that is what this bill does. It carries forward a situation in which EPA admits it does not have enough money, and that is intolerable.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to join the chairman and my colleague and friend, the gentleman from California (Mr. DREIER) from the San Gabriel Valley in strong opposition to the Markey amendment.

I appreciate the colleague's interest in increasing funding for the Superfund program, and I share that desire, but this is most emphatically not the way. To divert \$115 million in funds away from a critical NASA project, Prometheus, is not the way.

Project Prometheus and the exploration of the icy moons of Jupiter has been rated as top priority by the National Academy of Sciences. JPL has recently launched two Mars Rovers, aptly named Spirit and Opportunity, to

land on the red planet and determine whether there was or has been water on that planet and help science unlock the geologic mysteries of our solar system.

This work in Project Prometheus is a bold, new venture and will revolutionize solar system exploration using nuclear power and propulsion. Project Prometheus will enable more robust and ambitious scientific missions by supporting more complex scientific instruments, enabling significantly larger and faster data communication networks and allowing a single spacecraft to visit multiple targets per mission.

Using nuclear power and propulsion systems will exponentially increase the amount of power available to spacecraft instruments and enable vastly greater amounts of scientific data to be returned to home, 120 CDs worth of data compared to one or two floppy disks of information today. It will allow much more time for scientific observation of the moons, 180 days, opposed to only 1 to 5 hours using conventional technology.

This project's spearheading the Jupiter Icy Moons Orbiter mission will be the first application of these new technologies for a flight mission. It will search for evidence of global, subsurface oceans on Jupiter's icy moons.

This is a top priority, and I urge rejection of this effort to rob Peter to pay Paul.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

The amendment which I am making is a win-win amendment. All we do in our amendment is say to those who are fans of the Prometheus program, and it is a program which has strong support in the Congress in our country, that in my amendment you get a 31 percent increase in the Prometheus budget for next year, a 31 percent increase, and the remainder of the money goes over to Superfund and they get a 9 percent increase in their budget.

How can anyone complain if space science is increased by 31 percent? Here on Earth the residue of the industrial age is still leaving neighborhood nightmares all across our country to the point where the Bush administration has decreased Superfund cleanup by 50 percent over the last 2 years.

All we are saying is, is not it possible for us to give a 31 percent increase between this year and next year to Prometheus, which we will vote for, and have a 9 percent increase for the Superfund program so we can take care of the last Industrial Age that still torments neighborhoods all over our country?

Win-win: Prometheus wins a 31 percent increase; Superfund gets a 9 percent increase. This is not anything other than something which everyone should be able to embrace.

Back in history, during the Clinton administration, in the mid- to late-1990s, there was an average of 86 Superfund sites cleaned up each year. In the Bush EPA, it only cleans up about 40 sites in 2003 and 2004. It is slowing down

at half the rate that it was used as a program to help neighborhoods in the 1990s.

In Massachusetts, Fairhaven, Massachusetts, has now been taken off the list. There are 10 sites, including Fairhaven, taken off the list; sorry, we cannot help you with the residue of the last era of research.

All we are saying is, within this budget, without hurting Prometheus, giving it a 31 percent increase, we can also ensure that we take what the President requested, that is the number that I am building in here, President Bush requested the number \$1.39 billion for Superfund. That is the number I am using, the number they sent to us. President Bush, his EPA, his OMB, they gave us that number; and you can get to the number President Bush wanted just by taking a relatively small amount of money and leaving a 31 percent increase for Prometheus.

That is only fair to those communities across America that still have these sites, and I ask and I implore Members to listen to President Bush, to give that money, that \$1.39 billion, over to Superfund and still leave the 31 percent for space exploration, which all of us believe is so important. But a balance has to be struck between our exploration of the stars and our preservation of the Earth in a way that is respectful of neighborhoods that were ravaged by the Industrial Revolution. This is the balance which works for both projects.

Mr. WALSH. Mr. Chairman, I yield myself the remainder of my time. I have just 30 seconds to close, so I will be brief.

We have increased funding for Superfund in this budget by over \$50 million. The subcommittee strongly supports environmental cleanup, but if we adopted this gentleman's amendment, we would cut our increase in the entire NASA budget by half.

I think it is the wrong time to send that kind of a signal, and I urge my colleagues to reject the gentleman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. 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 Massachusetts (Mr. MARKEY) will be postponed.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise with great jubilation and excitement and also great appreciation that this legislation has accepted my bill filed just last year and again this year, H.R. 91, to name the veterans hospital in the city of Houston in the 18th Congressional District after a great American hero, Dr. Michael E. DeBakey, who played a critical role in helping to establish and develop the Veterans Affairs Medical Center and, as well, served valiantly as a World War II hero and as the creator and orchestrator of the MASH unit.

Now, almost 95 years old, he is a great American, and it is a great privilege that we have the opportunity to honor him. I am grateful to my Texas colleagues and to the ranking member and the chairman for allowing this to occur, and I will include the bill for the RECORD at this point.

Mr. Chairman. One provision in this bill that is of great importance to me and to the 18th Congressional District of Texas, which I represent, is language that calls for the Veterans Affairs Hospital in Houston, Texas to be renamed the Michael DeBakey Department of Veterans Affairs Medical Center. Inclusion of this provision is the culmination of over a year of hard work and collaboration with members of the American Legion, AMVETS, Disabled American Veterans, Veterans of Foreign Wars, and the Paralyzed Veterans Association; my colleagues in the Texas Congressional Delegation; and numerous other Houstonians—all committed to bestowing this honor upon the great Dr. Michael DeBakey.

Dr. Michael DeBakey is an internationally renowned physician, known foremost for his pioneering work as a cardiovascular surgeon. Although known as "the father of modern cardiovascular surgery" due to his introduction of now common-place procedures as arterial bypass operations, artificial hearts, and heart transplants, Dr. DeBakey has also contributed greatly to other fields diverse as military medicine, veterans affairs, and public health policy.

Born in 1908 in Lake Charles, Louisiana, Dr. Michael DeBakey received his bachelors and medical degrees from Tulane University. After receiving surgical training in Europe, Dr. DeBakey returned to the United States and enlisted in the Army at the onset of World War II. His service on the Surgeon General's staff during the War was pivotal; studies conducted there led to the formation of mobile army surgical hospital (MASH) units that would save countless lives in that and subsequent wars. For his wartime contributions to the nation, Lt. Col./Dr. DeBakey was awarded a Legion of Merit Award in 1945. Following the war, Dr. DeBakey's expertise in the development of specialized medical and surgical center-systems became crucial to the formation of the Veterans Administration Medical Center System. In addition, Dr. DeBakey was instrumental in securing congressional support for the creation of the National Library of Medicine, where records of the nation's medical research activities are stored for the benefit of future researchers.

Dr. DeBakey's arrival in Houston at the Baylor College of Medicine heralded the development of Baylor and Houston's Texas Medical Center into world-renowned centers of medical excellence. As Baylor's Chairman of

Surgery and later President, Dr. DeBakey spearheaded efforts to associate Baylor with the TMC's network of hospitals, secured federal funding for research, and recruited numerous highly-acclaimed faculty and researchers to Baylor. During that time, Dr. DeBakey was also an active and innovative clinician: introducing the Dacron artificial arteries in 1953, the first successful coronary bypass in the early 1960s, and the first successful multi-organ transplant in 1968.

Dr. DeBakey's wisdom has been sought by virtually every U.S. president since Harry S. Truman. He served on presidential commissions during both the Kennedy and Johnson administrations, and thus provided essential support in the passage of the landmark 1965 Medicare legislation. Dr. DeBakey was awarded the Presidential Medal of Freedom with Distinction in 1969 and the National Medal of Science by President Ronald Reagan in 1987. He currently serves as Chancellor Emeritus of the Baylor College of Medicine and continues to see patients, pursue his research, serve on national advisory committees, and consult on projects to help develop health care systems in the Middle and Far East.

This legislation honoring the contributions of Dr. DeBakey was also supported by a variety of organizations including: the University of Texas Health Science Center at Houston, the Texas Medical Center, the Harris County Medical Society, Methodist Hospital. Senators HUTCHISON and CORNYN have recently introduced the Senate companion to my legislation.

I am pleased to see this endeavor clearing this important milestone, and passing out of the House of Representatives. I look forward with great anticipation to a ceremony in the near future: renaming the Veterans Affairs Hospital in Houston after Dr. Michael DeBakey; it is an honor that is long overdue.

H.R. 91

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

#### SECTION 1. FINDINGS.

Congress finds as follows:

(1) Dr. Michael E. DeBakey played a critical role in establishing and developing the Department of Veterans Affairs Medical Center in Houston, Texas. He has successfully elevated its professional staff and quality healthcare to meet high standards of excellence and encouraged minorities to fulfill their potential in education, and particularly in the health professions.

(2) Dr. DeBakey's dedication to the Department of Veterans Affairs Medical Center is ongoing. He is still chairman of the Dean's Committee of that medical center, as he has been since the beginning of that institution.

(3) Dr. DeBakey brought both the City of Houston and the State of Texas international recognition for the Texas Medical Center through his pioneering of medical research, his leadership at Baylor College of Medicine, his national and international medical statesmanship, and his championing of the rights and the welfare of the underprivileged.

(4) Dr. DeBakey is credited with the development of the Mobile Army Surgical Hospitals (MASH) concepts for the military, which led to saving thousands of lives during the Korean and Vietnam conflicts, as well as the development of specialized medical and surgical center systems in order to treat returning military personnel.

(5) During World War II, Dr. DeBakey served as a colonel in the United States

Army and was assigned to the Surgical Consultant Division in the office of the Surgeon General. His active duty service was from 1942 to 1946. He remained on active duty in 1946 and recruited 100 additional specialists to care for World War II wounded military personnel in Army specialty centers.

(6) For his service in the Armed Forces, Dr. DeBakey received the Legion of Merit.

#### SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, HOUSTON, TEXAS.

(a) NAME.—The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known and designated as the "Michael E. DeBakey Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

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

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I just want to thank and commend the gentlewoman from Texas (Ms. JACKSON-LEE) for her farsightedness in writing a bill which now will be incorporated into this measure to name the Houston VA Medical Center after the renowned American, Dr. Michael DeBakey.

My mentor in politics, Olin Teague, one of the greatest of all World War II veterans, has a VA hospital named after him in Temple.

□ 1630

I think that kind of honor meant more to him than all the awards given to him through his lifetime. And I want to congratulate the gentlewoman from Houston for honoring our veterans, for honoring Dr. DeBakey by writing the legislation, which now, through this bill, will become the law of the land. This is an honor deserved by Dr. DeBakey, and I appreciate her for bringing this legislation to the forefront so that it could be put in this bill.

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

Mr. Chairman, I yield time to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman, the chairman, and the ranking member as well, for their gracious cooperation.

Mr. Chairman, I strongly urge the House conferees on this bill work to include language in the conference report that addresses concerns I have about a Superfund site in my district, the Gloucester Environmental Management Services, or GEMS, landfill. Specifically, I request that report language direct the Inspector General of the EPA to conduct an investigation into all financial transactions, including revenue and spending, by the GEMS Trust, a collection of responsible parties who are required to conduct the remediation of this highly polluted landfill. I am concerned about

how the trust has financed its actions so far and have reason to believe that the trust has not seriously considered all viable remediation options.

Mr. Chairman, 38,000 of my constituents live within a 3-mile radius of this landfill, some as close as 300 feet. We owe it to them to choose the safest and most environmentally sound remediation method, not simply the cheapest. The responsible parties should not get away with a Band-Aid solution to a major environmental hazard. I seek this Inspector General investigation because I fear that the EPA may be endorsing a treatment method that does not sufficiently protect the health of my community.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for the concern he has expressed for his constituents in his community. We will work with EPA and have the Inspector General look at this site to ensure that any remedy gives adequate consideration to the health of the gentleman's constituents and other environmental impacts.

I look forward to working with the gentleman on this issue as we move towards the conference.

Mr. ANDREWS. Mr. Chairman, if the gentleman will yield further, I thank the chairman and the ranking member for their cooperation.

The CHAIRMAN. Are there further amendments to be heard?

AMENDMENT OFFERED BY MR. MOORE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOORE:

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

SEC. \_\_\_\_ (a) None of funds appropriated in this Act may be expended to take any action proposed under the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs until—

(1) the Secretary of Veterans Affairs submits to Congress a written notification of the intent to take such action; and

(2) there has elapsed—

(A) a period of 60 days beginning on the date on which such notification is submitted; and

(B) a period of 30 days of continuous session of Congress beginning on the date on which such notification is submitted.

(b) For purposes of subsection (a)(2)(B)—

(1) the continuity of session of Congress is broken only by an adjournment of Congress sine die;

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session; and

(3) if either House of Congress is not in session on the date when a notification is submitted under subsection (a)(1), the counting of days shall begin as of the first day after such date that both Houses of Congress are in session.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gen-

tleman from Kansas (Mr. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MOORE).

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

Mr. Chairman, I appreciate the opportunity to talk about an amendment that I want to offer to the VA-HUD appropriations bill. I ask that the House consider as an amendment H.R. 2808, which the gentlewoman from Missouri (Mrs. EMERSON) and I filed just this week.

The concept is simple. Our amendment would require that the Secretary of Veterans Affairs give 60 days' advance notice to Congress before closing any Veterans Hospital facilities or medical facilities or beds currently serving veterans.

At the Kansas City Veterans Administration facility, which serves my district, veterans already have to wait 6 months for nonemergency care. Closure of beds at a VA facility in Leavenworth, just north of my district, would put more people in the pool in Kansas City, making the wait even longer, as much as 8 months 9 months or a year, which is unconscionable. Asking veterans to wait even longer for care is wrong; we should not sacrifice treatment for those who fought for our country.

Mr. Chairman, I appreciate the opportunity to bring this matter to the House's attention. It is vital that we keep our promises to our veterans as we are asking even more young men and women to serve our country in places such as Afghanistan, Iraq, and perhaps even Liberia. We owe them quality care when they return from their service and they have the absolute right to know that that quality care will be there for them.

Mr. Chairman, Bob Ulin, State president of the Association of the United States Army, I think said it best: "It is a budget issue for the VA; it is a life and death issue for our vets."

I understand, Mr. Chairman, that my amendment is subject to a point of order, but I ask my colleagues to consider the status of VA care in our country and join as cosponsors on H.R. 2808.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEKS of New York:

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

SEC. \_\_\_\_ None of the funds appropriated or otherwise made available by this Act,

may be used to terminate the furnishing of services to veterans by the Department of Veterans Affairs medical facility located in St. Albans Queens, New York.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. MEEKS).

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair asks that Members turn off electronic devices on the floor.

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment just simply says that no funds in fiscal year 2004 can be used to close the St. Albans Veterans Facility. Basically, the St. Albans veterans care facility has been a key provider of services and jobs at St. Albans for as long as I can remember. It sits in the heart of my district on what was formerly a military base in Queens County, New York.

The St. Albans VA Primary and Extended Care Center provides primary care and offers specialized geriatric programs and restorative rehabilitation. Geriatric programs provide comprehensive evaluation and safe, effective management of elderly cognitively impaired veterans. An outpatient adult day care health care program and home-based primary care program exists and cares for the physically disabled, medically complicated elderly veterans who are at risk of nursing home placement or recurrent hospitalization. A comprehensive psychosocial rehabilitation domiciliary program providing incentive therapy, vocational counseling, and independent living skills training for patients seeking to return to independent living is provided by the VA Primary and Extended Care Facility.

This facility has 386 beds. This facility provides inpatient extended care services, including skilled nursing, antibiotic therapy, and respite care. Also provided is subacute restorative rehabilitation for the elderly. The campus also hosts an ambulatory care center that provides primary care and specialty care, including podiatry, audiology, dental service, and optometry. VA adult health care and home-based primary care programs, providing outpatient geriatric care, is present at the St. Albans campus. A homeless domiciliary emphasizing comprehensive psychosocial rehabilitation exists at the extended care center.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague, the gentleman from Queens, for yielding me this time, and I rise in strong support of the Meeks-Crowley-Ackerman amendment to ensure that the St. Albans Veterans Medical Center is not closed by the VA this year.

Queens County has the largest veterans population in the New York metropolitan area, with over 115,000 living veterans. St. Albans serves thousands of Queens County veterans. The facility provides inpatient extended care services, including skilled nursing, IV antibiotic therapy, and respite care.

The campus also hosts an ambulatory care center that provides primary care and specialty care, including optometry, podiatry, audiology, and dental services. VA adult day care and home-based primary care programs, providing outpatient geriatric care, are present at the St. Albans campus, as are programs and services to benefit homeless veterans.

I understand that as part of a cost savings measure the VA is contemplating the closure of St. Albans. This is not because of a lack of veterans but rather, in my opinion, misplaced priorities. We must keep this hospital and all of our VA hospitals and clinics open.

I have had a conversation with the chairman, and I appreciate the situation he finds himself in at this time, and I know that we are waiting for the CARES Phase II proposal to be published. I hope that after that document is released, we will have an opportunity to really evaluate what it says and not close this particular facility as the VA, I believe, is suggesting may happen.

There are just too many veterans in the City of New York. Many of these people have absolutely no one; they have nobody. If it were not for the St. Albans Medical Center and what this center provides for these individuals, there would be no one there to take care of these poor veterans.

Mr. MEEKS of New York. Mr. Chairman, I yield myself the balance of my time.

I realize, Mr. Chairman, that the CARES program that the VA is looking to is to reduce wasteful and underutilized space; that it is costing \$1 million a day. I understand the need not to be wasteful, but the St. Albans facility is not a place of waste. It is not only a key to the County of Queens, it is a key for all of New York City and is also a huge economic engine in the City of New York.

We need this facility, particularly now; and it is really something that is not underutilized. In fact, it is overutilized. And so I would urge all of my colleagues to support this amendment and keep the St. Albans VA Facility for fiscal year 2004 and accept this amendment.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this CARES process is something that the Congress voted to support. It is an ongoing process. Certainly we are all nervous about its impact upon our own veterans medical centers. This is of great concern to us. We all have an affinity and a relation-

ship with our VAs, with the vets that go there, and the doctors and nurses and staff who serve there. But it would be wrong for us to step in on behalf of one center, because all Members have the same concern.

The Secretary has not seen the proposals yet on realignment. Any protection built into this bill for any specific facility would undermine the overall plan. I think this discussion is best left until next year when the capital assets studies are completed and an official proposal is on the table.

So at this time, Mr. Chairman, I urge a strong "no" vote on this amendment.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of the Meeks-Crowley-Ackerman amendment to prevent the unnecessary closing of the St. Albans Primary & Extended Care Center. This center provides primary care and offers specialized geriatric programs and restorative rehabilitation to veterans from New York City and Nassau County. To close it would be a disservice to the Veterans of Queens and Nassau County.

At a time, when we have sent over 150,000 troops to fight in Iraq, it is indefensible that these men and women may come home to find that the Veterans Center is no longer there. Closing this facility would be an insult to those who have served our country so bravely.

The Veterans Administration is currently dangerously under-funded. To save dollars, the Administration wants to close Veterans' health centers. However, the administration did manage to find the money to give the wealthiest Americans a tremendous tax cut. We must fulfill our promises to our veterans and continue to provide access to the quality health care they were promised.

Currently, veterans sometimes have to wait months for doctors' appointments at VA Hospitals. Closing St. Albans will simply exacerbate this problem. If St. Albans is closed, veterans will have to go to other already overcrowded facilities in New York.

We owe it to our veterans to provide them access to quality health care. St. Albans needs to remain open.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was rejected.

AMENDMENT OFFERED BY MS. LEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS", after the first and second dollar amounts, insert the following: "(increased by \$83,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND", after the first dollar amount, insert the following: "(reduced by \$83,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentle-

woman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Ms. LEE).

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

Mr. Chairman, first let me thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the chairman, the gentleman from New York (Mr. WALSH), for this bill and for their hard work and leadership in terms of trying to address the very complicated issues of housing and our veterans population.

Mr. Chairman, 20 percent of our homeless population hold jobs, 22 percent are mentally ill, and 11 percent are veterans. Now, on any given day in my home State of California, there are approximately 350,000 people who are homeless, including as many as 100,000 children. I rise today because we must help the over 3 million homeless nationwide and millions of low-income families struggling to find shelter across this country.

Mr. Chairman, this bill is woefully underfunding homeless programs for one of our Nation's most vulnerable and most consistently neglected populations. Now, I understand that this bill provides \$25 million more than fiscal year 2003 levels. But given the cost of inflation, this bill really does provide a net cut. Moreover, and what is very important that we understand here is that this bill falls \$83 million short of the President's request. The President's request. Our amendment simply funds the McKinney-Vento homeless programs at the President's request.

This Congress and the administration have championed the need for more supportive housing, more comprehensive transitional housing and homeless assistance programs, and really ending the chronic cycle of homelessness. President Bush and Secretary Martinez have both committed to ending homelessness in the next 10 years.

□ 1645

As we make these commitments and promises, the rates of homelessness continues to rise. Since the start of 2003, people requesting emergency homeless assistance and food has skyrocketed. At a time of record and rising unemployment and economic uncertainty, when more people are forced to live on the streets, to suffer the elements and the stigma of homelessness, we must commit and live up to our promise and our obligation to end this crisis.

By increasing the funds used in the McKinney-Vento account, we can devote the much-deserved funding and attention to homelessness. The Lee-Schakowsky amendment would provide a modest response to this often unavoids yet urgent problem by simply funding the McKinney-Vento account at the President's requested level of \$1.3 billion for fiscal year 2004.

This \$83 million would translate into housing to over 14 million families who have critical housing needs and over 2.5 million households with children living in severely substandard housing. By supporting McKinney-Vento at the President's requested amount, we could provide shelter for the over 1 million homeless children in our country.

What would we be giving up in order to fund these accounts and do the right thing? The answer is nothing that HUD could not live without. This offset comes from an already bloated working capital account which pays for IT consultants and computer supplies at HUD. Even with the passage of the Lee-Schakowsky amendment, the HUD working capital would have received over \$1 billion from 2001 to 2003.

The real question that our amendment poses, is very simple: Do Members support helping to alleviate homelessness or do they support a nameless, faceless account used to provide the tools to process the information about the homeless. It is really about choice.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the amendment that I am so proud to cosponsor along with the gentlewoman from California (Ms. LEE), who has done so much on behalf of low-income families.

The Bush administration's budget request for homeless programs was actually slashed in this appropriations bill. In this legislation, funding for homeless programs is \$133 million below the administration's budget request, a total request that really does not even come close to addressing the critical problem of homelessness, and the growing problem of homelessness.

A modest amendment would increase HUD's homeless assistance and prevention programs by \$83 million to provide desperately needed services for 20,000 homeless children and adults.

Homelessness does not discriminate. It affects people in rural and urban communities, and every single Member of Congress represents constituents who cannot afford a roof over their head. I do not care how wealthy Members think their district is, there are people who do not have a permanent residence.

Despite stereotypes, 39 percent of the homeless are children, and half of all homeless women and children are the victims of domestic violence. Over the course of a year, 3.5 million people will experience homelessness in the United States.

The underlying bill will actually increase the number of homeless people because it takes away vouchers from 85,000 families, including 3,200 families in Illinois. Our amendment would take \$83 million from HUD's working capital fund and direct it right to homeless people.

The working capital account, which the money comes from, helps pay for computer upgrades and consultants.

While I am sure that the capital account is helpful for HUD, there is no doubt that it is more important to provide housing for those that need it the most. \$83 million could fund transitional housing and supportive services that could permanently end homelessness for 20,000 children and adults.

In 2002, Chicago alone had a 22 percent increase in requests for emergency shelter and a 35 percent increase in requests for shelter by families, compared to 2001. In Illinois, 1 million renters in need of housing assistance compete for 230,000 assisted housing units, while 80 percent of the shelters throughout the State reported an increase in family homelessness in the past year. As a result, families with children are being forced to choose between paying their rent, food, heat, and other necessities. This money would help emergency providers give aid to those who need it right now.

The Bush administration itself has stated on several occasions that it wants to end homelessness, and it can. This is not some sort of a problem like a hurricane or a tornado. We can decide to end homelessness, but the problem is, we consistently underfund the housing programs.

In communities like Chicago where our mayor, Mayor Daley, and community leaders have developed an historic 10-year plan to end homelessness, it will not succeed if it does not receive Federal support. I urge the support of this modest amendment to end homelessness.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me follow up with that by saying, failing to fund the administration's budget request for homeless programs undercuts HUD Secretary Martinez's pledge to end chronic homelessness within the next decade. By repudiating the administration's homeless budget, which is at the heart of that pledge, it will be impossible to provide the permanent housing and supportive services that are needed for the 150,000 chronically homeless individuals.

Underfunding in the homeless account really comes on top of the bill's deep cuts in public housing and underfunding of section 8 renewals. Public housing and section 8 are the key provisions providing rental assistance to the poorest. Program cuts now will result in an increase in the level of homelessness nationwide, and that is one of the reasons why we are standing today with the President in terms of his funding request of \$83 million, so we can move forward and begin to address those who have been shut out, really, of the benefits of this very wealthy country.

I want to close with this poem from a 7-year-old homeless child. It is called "Being Homeless":

"If you are a kid, it is cold, lonely, scary. I guess I need to hurry and grow up."

It does not seem much of a choice to me in terms of restoring or putting in

the \$83 million that the President wants. I am asking for this House to please support the Lee-Schakowsky amendment.

It is really a matter of choices. We can decide, do we want to help those who are vulnerable, those who are out on the streets with no place to go, those who barely have enough to eat, those who have severe mental difficulties, physical difficulties who have no health care; or do we want to fund some information technology account over at HUD.

I ask for an "aye" vote on this amendment.

Mr. WALSH. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, just briefly, to correct a point, there are no cuts for the homeless in this bill. There is an increase of \$35 million. There are no cuts in section 8 housing vouchers, there is an increase of over \$900 million.

But if we accepted this amendment, it would cut HUD's information technology by 35 percent and make it very difficult for them to continue their operation. For that reason I oppose the amendment, and I urge a "no" vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LEE) will be postponed.

AMENDMENT OFFERED BY MR. EDWARDS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

In title I, in the item relating to "MEDICAL SERVICES FOR PRIORITY 1-6 VETERANS", insert at the end of the following

In addition for such purposes, \$1,800,000,000: *Provided*, That, from such sum, amounts may be transferred to "Medical Services for Priority 7-8 Veterans" without regard to the percentage limitation established in section 119 of this Act.

In title I, in the item relating to "MEDICAL ADMINISTRATION", after the aggregate dollar amount, insert "(increased by \$264,000,000)".

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

SEC. \_\_\_\_\_. In the case of taxpayers with adjusted gross income in excess of \$1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108-27) shall be reduced by 12.5 percent.

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

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 5 minutes.

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

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

"The House leadership has deceived us." Those are not our words, those are the words of the Veterans of Foreign Wars Commander-in-Chief Ray Sisk in his press release of July 17, just a few days ago.

"A clear betrayal of the assurances made to America's veterans by the House Republican leadership." Those are not my words, those are the words of the VFW press release of July 17.

"This meager increase is simply inadequate to provide health care to sick and disabled veterans, and represents a flagrant disregard to promises made to veterans by this Congress." Those are not my words. They come from the National Legislative Director of AMVETS, Paralyzed Veterans of America and the Veterans of Foreign Wars.

Mr. Chairman, my amendment would add a desperately needed \$2.2 billion to our veterans' health care system. Our veterans deserve those dollars. My view is that a Nation that can afford trillion dollar tax cuts that help our wealthiest citizens can and should afford to take care of our veterans who have sacrificed so much for our country.

I think it is time for some straight talk with veterans. They need to know what this debate is all about. Let me tell Members the steps we have gone through to get here.

Step 1. On March 20 during the first days of the Iraqi war this year, House Republicans voted for a budget resolution that, yes, cut veterans' benefits by \$28 billion over the next 10 years.

Step 2. When Democrats and veterans organizations expressed outrage from one end of our country to another, the Republicans in the House, who drastically cut veterans programs even during a time of war in Iraq, during the first days of that war, Republicans scrambled to find some cover.

Step 3. The Republicans found the cover. It was to offer the promise of a \$1.8 billion increase in funding for VA health care this year. In fact, on March 20, the gentleman from New Jersey (Mr. SMITH) put out a press release, "I am pleased we reached agreement for a \$1.8 billion increase." Republicans sent out releases like this bragging about this commitment to our veterans all over the country. That was step 3, and then what happened:

Step 4. It was not good news for veterans. The House Republican leadership, after allowing these kinds of press releases to go out from its Members, said, Nope, we are going to take away every dime of those \$1.8 billion that we promised to you, America's veterans.

Step 5. Veterans groups made the quotes that I just read to you, "clear betrayal," "House leadership has deceived us." Then what happened?

Step 6. The gentleman from New Jersey (Mr. SMITH) and I, a Republican and a Democrat respectively, offered amendments to the Committee on Rules to increase veterans' health care spending by \$1.8 and \$2.2 billion respectively.

□ 1700

Even though the Committee on Rules protects amendments from points of order on a daily basis in this process and we all know that, in this case the Committee on Rules and the Republicans on it last night said, you know, we are not going to make that kind of exception for veterans even in time of war. We are not going to protect amendments that would actually increase VA health care spending.

Step 7. By voting "no" on that rule, we could say to the House Republican leadership, you are wrong, we should stand up for veterans today because tomorrow's veterans are fighting today in Iraq. 189 Democrats voted with veterans to kill that rule but only seven out of 229 Republicans voted against that rule. Why? We know. The Republican leadership threatened them. If they voted "no" on that rule, they were going to pay a terrible price for it.

Step 8. Republicans who were missing in action when we could have actually killed the rule that prohibited an increase in veterans spending said, I better get down to the floor and give an eloquent speech about standing up and fighting for veterans. So they have done that over the last couple of hours, knowing full well that this bill is going to pass even though they vote "no." So they were missing in action when we needed them; but after the cease-fire was drawn, the agreements were made, they came running in with their rifles and said, boy, I want to stand up and fight for our veterans.

Step 9. This bill will pass and we all know it. VA health care funding will be \$2 billion less than it should be.

Step 10. The Members who were missing in action and voted against veterans when they voted for this rule that stopped our helping veterans with more money, they will put out press releases telling veterans how they gave eloquent speeches on the floor of the House opposing this terrible bill.

Mr. Chairman, this is how our veterans get the shaft while Members are covering themselves. It is wrong. We ought to pass this amendment that will now be ruled out of order.

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

The CHAIRMAN. Does the gentleman continue to reserve?

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The point of order continues to be reserved.

The gentleman from New York will be recognized for 5 minutes.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a veteran and distinguished member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I am a veteran. The gentleman who just spoke is not. I am a combat veteran. The gentleman is not. I was wounded in combat. The gentleman was not. And I resent the implications that we are trying to cut veterans benefits. This bill increases veterans benefits \$1.3 billion. In my mind, that is a good thing, not a bad thing. If you take a look at what the Republicans have done since we have been in the majority, every single year we have increased veterans benefits.

While Bill Clinton's budget fought against veterans health care, actually cut, not increased, Republicans came together with moderate Democrats and increased the veterans budgets every single year. I resent a gentleman saying, well, we do it just for tax breaks for the rich. Those jobs that the gentlemen are talking about, 70 percent of the jobs are created by small business, that enhance. We want those veterans to have business and we want them to have jobs. We did not, as the Democrats in 1993 when they had the White House, the House and the Senate, cut veterans COLAs. They cut military COLAs.

They gave us the highest middle-class tax increase in history. That tax increase also hurt our veterans. Republicans along with moderate Democrats restored those veterans COLAs, we restored the military COLAs, and we gave middle-income taxpayers tax relief. For the gentleman to sit up here and say that we are cutting veterans benefits when this bill increases it \$1.3 billion aggravates me, Mr. Chairman.

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

Mr. CUNNINGHAM. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I think the point is not that the chairman and the subcommittee has not increased funding for veterans in this bill. We certainly have done that. I think the point is that the expectation with the budget resolution, with the advertising the increase in veterans benefits in the budget resolution which the majority passed was significantly higher than the actual allocation that we were able to deal with in the appropriation bill.

Mr. CUNNINGHAM. Taking back my time, I agree with the gentleman. I want more money in veterans. But to insinuate that it is a tax break for the rich when they say that about every bill is a political shot that is wrong.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I would insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2, rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment modifies existing law. I ask for a ruling from the Chair.

The CHAIRMAN. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

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

Mr. Chairman, I had not wanted to speak any more on this, but in light of the comments of my friend from California, I feel compelled to. I want to read some words: "The fiscal year 2004 VA-HUD appropriations bill as it pertains to funding levels for veterans health care is inadequate and represents a clear betrayal of the assurances promised to America's veterans by the House Republican leadership." I did not say that. Ray Sisk, Commander in Chief of the Veterans of Foreign Wars, said it on July 17 of this year. I could insert four other quotes in the RECORD from veterans organization leaders as well.

The gentleman from California says that this is a good budget for veterans. Let me explain why it is not. This bill has a 6 percent nominal increase in funding for veterans health care, so it sounds good. But the fact is that inflation eats up 3 percent of that 6 percent and then you have a 9 percent growth in the veterans population eligible for these programs. So when you add 9 and 3, that means that you need a 12 percent increase in veterans health care programs just in order to stay even. This bill only meets half that. While the gentleman is shaking his head, it is simple mathematics. His daughter got a perfect 600 on the SATs. She would know that that statement was right.

Let me say, also, Mr. Chairman, that I totally agree with the gentleman from Texas (Mr. EDWARDS) who has time and time again taken this floor to lead the effort to help veterans. The fact is that veterans are not going to be conned by someone who says, Oh, oh, I was a really good friend of veterans that day when that bill was up. I voted against final passage.

Mr. Chairman, the only practical chance that any Member of this House had to get more money for veterans was to beat the rule so you could go back and have made in order the amendment that the gentleman talked about. My friend from California can resent all he wants the fact that we talk about what the tax cut cost us in services, but the fact is the Republican leadership of this Congress put tax cuts before anybody else and the fact is that under those tax cuts if you make a million bucks next year, you are going to get an \$88,000 tax cut. The fact is that what we are trying to do with his amendment is to reduce that by \$11,000 so they will only get a \$77,000 tax cut. We are trying to do that so that there

is enough room to fund additional veterans health care benefits.

That is what we are trying to do. You may not like the fact that we bring it up, but the consequences of your providing \$3 trillion in tax cuts the next 11 years, the consequences are that there will be no room in the inn for adequate education funding, adequate health care funding, or adequate help for veterans. That is a fact. You may not like the fact that we bring it up, but we are going to bring it up every day of the year because it is a hard, cold fact of budgeting. When you make choices, you have to be able to take the heat for those choices; and we are going to turn up the heat, baby, because you were wrong.

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

Mr. Chairman, I would like to thank my colleague for his assistance in creating this bill and steering it through the floor debate. I would like to give him and our colleagues in the House my promise that as all these bills move through to conference as CBO and OMB reexamine the estimates and costs of the bills and if, and that is a hope, more funds become available to the VA-HUD bill, increasing the funding for VA medical service will be our first priority.

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

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I certainly agree with that. As has been expressed here on the floor, expressed through the gentleman from Texas (Mr. EDWARDS), expressed with the gentleman from Wisconsin's comments, I agree that should funds under the VA-HUD allocation increase, VA medical service would most definitely be one of our first priorities.

Mr. WALSH. I thank the gentleman for his comments. I thank him for his help. I urge a "yes" vote on the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 12 offered by the gentleman from New Jersey (Mr. SMITH), amendment No. 10 offered by the gentleman from Florida (Mr. STEARNS), amendment No. 6 offered by the gentleman from New York (Mr. NADLER), an amendment offered by the gentleman from Massachusetts (Mr. MARKEY), and an amendment offered by the gentleman from California (Ms. LEE).

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

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 77, not voting 10, as follows:

[Roll No. 451]

AYES—347

Abercrombie	Davis, Jo Ann	Jackson-Lee
Ackerman	Davis, Tom	(TX)
Akin	Deal (GA)	Janklow
Alexander	DeFazio	Jefferson
Allen	DeGette	Jenkins
Andrews	Delahunt	John
Baca	DeLauro	Johnson (CT)
Bachus	Deutsch	Johnson (IL)
Baird	Diaz-Balart, L.	Johnson, E. B.
Baker	Diaz-Balart, M.	Jones (NC)
Baldwin	Dicks	Jones (OH)
Ballance	Dingell	Kanjorski
Ballenger	Doggett	Kaptur
Barrett (SC)	Dooley (CA)	Keller
Bartlett (MD)	Doyle	Kelly
Bass	Edwards	Kennedy (MN)
Beauprez	Emanuel	Kennedy (RI)
Becerra	Emerson	Kildee
Bell	Engel	Killpatrick
Bereuter	English	Kind
Berkley	Eshoo	King (IA)
Berman	Etheridge	King (NY)
Berry	Evans	Kirk
Bilirakis	Farr	Klecza
Bishop (GA)	Fattah	Kucinich
Bishop (NY)	Feeney	Lampson
Blackburn	Ferguson	Langevin
Blumenauer	Filner	Lantos
Boehlert	Forbes	Larsen (WA)
Boehner	Ford	Larson (CT)
Bono	Fossella	Latham
Boozman	Frank (MA)	LaTourette
Boswell	Frost	Leach
Boucher	Gallegly	Lee
Boyd	Garrett (NJ)	Levin
Bradley (NH)	Gerlach	Lewis (GA)
Brady (PA)	Gibbons	Lewis (KY)
Brown (OH)	Gillmor	Linder
Brown (SC)	Gingrey	Lipinski
Brown, Corrine	Gonzalez	LoBiondo
Brown-Waite,	Goode	Lofgren
Ginny	Goodlatte	Lowe
Burgess	Gordon	Lucas (KY)
Burns	Goss	Lucas (OK)
Burr	Graves	Lynch
Burton (IN)	Green (WI)	Majette
Calvert	Greenwood	Maloney
Camp	Grijalva	Manzullo
Capito	Gutierrez	Markey
Capps	Gutknecht	Marshall
Capuano	Hall	Matheson
Cardin	Harman	Matsui
Cardoza	Harris	McCarthy (MO)
Carson (IN)	Hart	McCarthy (NY)
Carson (OK)	Hastings (FL)	McCollum
Carter	Hayes	McCotter
Case	Hayworth	McDermott
Chabot	Hefley	McGovern
Chocola	Hensarling	McHugh
Clay	Herger	McInnis
Clyburn	Hill	McIntyre
Coble	Hinojosa	McKeon
Cole	Hoefel	McNulty
Conyers	Hoekstra	Meehan
Costello	Holden	Meek (FL)
Cox	Holt	Meeks (NY)
Cramer	Honda	Menendez
Crane	Hoolley (OR)	Mica
Crenshaw	Hostettler	Michaud
Crowley	Hoyer	Millender-
Cubin	Hunter	McDonald
Cummings	Hyde	Miller (FL)
Cunningham	Inslee	Miller (MI)
Davis (AL)	Isakson	Miller (NC)
Davis (CA)	Israel	Miller, Gary
Davis (FL)	Issa	Miller, George
Davis (IL)	Jackson (IL)	Mollohan
Davis (TN)		Moore

Moran (KS) Rogers (MI) Stenholm  
 Moran (VA) Rohrabacher Strickland  
 Murphy Ross Stupak  
 Nadler Rothman Sweeney  
 Napolitano Roybal-Allard Tancredo  
 Neugebauer Royce Tanner  
 Ney Ruppertsberger Tauscher  
 Norwood Rush Tauzin  
 Obey Ryan (OH) Taylor (MS)  
 Olver Ryan (WI) Terry  
 Ortiz Ryun (KS) Thomas  
 Ose Sabo Thompson (CA)  
 Owens Sanchez, Linda Thompson (MS)  
 Oxley T. Tierney  
 Pallone Sanchez, Loretta Towns  
 Pascrell Sanders Turner (OH)  
 Pastor Sandlin Turner (TX)  
 Paul Schakowsky Udall (CO)  
 Payne Schiff Udall (NM)  
 Pelosi Scott (GA) Upton  
 Pence Scott (VA) Van Hollen  
 Peterson (MN) Sensenbrenner Velazquez  
 Peterson (PA) Serrano  
 Pickering Shaw Visclosky  
 Pitts Shays Waters  
 Platts Sherman Watson  
 Pombo Shimkus Watt  
 Pomeroy Shuster Waxman  
 Porter Simmons Weiner  
 Portman Skelton Weldon (PA)  
 Price (NC) Slaughter Weller  
 Rahall Smith (MI) Wexler  
 Ramstad Smith (NJ) Whitfield  
 Rangel Smith (TX) Wilson (NM)  
 Rehberg Smith (WA) Wilson (SC)  
 Renzi Snyder Woolsey  
 Reyes Solis Wu  
 Reynolds Spratt Wynn  
 Rodriguez Stark Young (AK)  
 Rogers (AL) Stearns

NOES—77

Aderholt Gilchrest Putnam  
 Barton (TX) Granger Quinn  
 Biggert Hastings (WA) Radanovich  
 Bishop (UT) Hobson Regula  
 Blunt Houghton Rogers (KY)  
 Bonilla Hulschof Saxton  
 Bonner Istook Schrock  
 Brady (TX) Johnson, Sam Sessions  
 Buyer Kingston Shadegg  
 Cannon Kline Sherwood  
 Cantor Knollenberg Simpson  
 Castle Kolbe Souder  
 Collins LaHood Taylor (NC)  
 Culberson Lewis (CA) Thornberry  
 DeLay Murtha Tiahrt  
 DeMint Musgrave Tiberti  
 Doolittle Myrick Toomey  
 Dreier Nethercutt Vitter  
 Duncan Northup Walden (OR)  
 Dunn Nunes Walsh  
 Ehlers Nussle Wamp  
 Everett Osborne Weldon (FL)  
 Flake Otter Wicker  
 Foley Pearce Wolf  
 Franks (AZ) Petri Young (FL)  
 Frelinghuysen Pryce (OH)

NOT VOTING—10

Cooper Hinchey Ros-Lehtinen  
 Fletcher McCrery Sullivan  
 Gephardt Neal (MA)  
 Green (TX) Oberstar

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1733

Messrs. COLLINS, PETRI, HOUGHTON, FRANKS of Arizona, and WALDEN of Oregon changed their vote from "aye" to "no."

Ms. KILPATRICK, Mrs. MILLER of Michigan, Mrs. CUBIN and Messrs. SHIMKUS, UPTON, SHUSTER, BURGESS, CALVERT, GARY G. MILLER of California, ROTHMAN, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The Chair will inform Members that this is a lengthy series of votes and will ask Members to cast their vote within the time provided for each vote.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 264, not voting 16, as follows:

[Roll No. 452]

AYES—154

Akin Goss Oxley  
 Bachus Graves Paul  
 Barrett (SC) Green (WI) Pearce  
 Bartlett (MD) Gutknecht Pence  
 Barton (TX) Harris Petri  
 Beauprez Hart Pitts  
 Bilirakis Hastings (WA) Platts  
 Bishop (UT) Hayes Pombo  
 Blackburn Hayworth Porter  
 Brady (TX) Hefley Ramstad  
 Brown-Waite, Hensarling Rehberg  
 Ginny Heger Renzi  
 Burgess Holden Rogers (AL)  
 Burns Hostettler Rogers (KY)  
 Burr Hulshof Rogers (MI)  
 Burton (IN) Hunter Rohrabacher  
 Buyer Hyde Royce  
 Camp Isakson Ryan (WI)  
 Cannon Istook Ryun (KS)  
 Cantor Janklow Saxton  
 Carter Jenkins Schrock  
 Chabot Johnson (CT) Sensenbrenner  
 Chocola Johnson, Sam Sessions  
 Coble Jones (NC) Shadegg  
 Collins Keller Kennedy (MN)  
 Cox Shaw Shuster  
 Crane Kildee Simmons  
 Cubin King (IA) Smith (MI)  
 Culberson King (NY) Smith (NJ)  
 Cunningham Kingston Smith (TX)  
 Davis, Jo Ann Kline Stearns  
 Davis, Tom Lewis (KY) Stenholm  
 Deal (GA) Linder Tancredo  
 DeMint LoBiondo Tanner  
 Diaz-Balart, L. Lucas (KY) Tauzin  
 Diaz-Balart, M. Manzullo Taylor (NC)  
 Doolittle McCotter Terry  
 Duncan McHugh Thornberry  
 Edwards McNinis Tiahrt  
 Feeney McIntyre Toomey  
 Ferguson Mica Turner (OH)  
 Flake Miller (FL) Upton  
 Foley Miller (MI) Vitter  
 Forbes Miller, Gary Walden (OR)  
 Fossella Murphy Wamp  
 Franks (AZ) Musgrave Weldon (FL)  
 Gallegly Myrick Weldon (PA)  
 Garrett (NJ) Neugebauer Whitfield  
 Gibbons Ney Wilson (NM)  
 Gingrey Norwood Wilson (SC)  
 Goode Obey Young (AK)  
 Goodlatte Otter

NOES—264

Abercrombie Alexander Baca  
 Ackerman Allen Baird  
 Aderholt Andrews Baker

Baldwin Gordon Ortiz  
 Ballance Granger Osborne  
 Ballenger Grijalva Ose  
 Bass Hall Owens  
 Becerra Harman Pallone  
 Bell Hastings (FL) Pascrell  
 Bereuter Hill Pastor  
 Berkley Hinojosa Payne  
 Berman Hobson Pelosi  
 Berry Hoefel Peterson (MN)  
 Biggert Hoekstra Peterson (PA)  
 Bishop (GA) Honda Pickering  
 Bishop (NY) Hoolley (OR) Pomeroy  
 Blumenauer Houghton Portman  
 Blunt Hoyer Price (NC)  
 Boehlert Inslee Pryce (OH)  
 Boehner Israel Putnam  
 Bonilla Jackson (IL) Quinn  
 Bonner Jackson-Lee Rahall  
 Bono (TX) Rangel  
 Boozman Jefferson Regula  
 Boswell John Reyes  
 Boucher Johnson (IL) Reynolds  
 Boyd Johnson, E. B. Rodriguez  
 Bradley (NH) Jones (OH) Rothman  
 Brady (PA) Kanjorski Roybal-Allard  
 Brown (OH) Kaptur Ruppertsberger  
 Brown (SC) Kennedy (RI) Rush  
 Brown, Corrine Kilpatrick Ryan (OH)  
 Calvert Kind Sabo  
 Capito Kirk Sanchez, Linda  
 Capps Kleczka T.  
 Capuano Knollenberg Sanchez, Loretta  
 Cardin Kolbe Sanders  
 Cardoza Kucinich Sandlin  
 Carson (IN) LaHood Schakowsky  
 Carson (OK) Lampson Schiff  
 Case Langevin Scott (GA)  
 Castle Lantos Scott (VA)  
 Clay Larsen (WA) Serrano  
 Clyburn Larson (CT) Shays  
 Cole Latham Sherman  
 Conyers LaTourette Sherwood  
 Costello Leach Shimkus  
 Cramer Lee Simpson  
 Crenshaw Levin Skelton  
 Crowley Lewis (CA) Slaughter  
 Cummings Lewis (GA) Smith (WA)  
 Davis (AL) Lipinski Snyder  
 Davis (CA) Lofgren Solis  
 Davis (FL) Lowey Souder  
 Davis (IL) Lucas (OK) Spratt  
 Davis (TN) Lynch Stark  
 DeFazio Majette Stearns  
 DeGette Maloney  
 Delahunt Markey Strickland  
 DeLauro Marshall Stupak  
 DeLay Matheson Sweeney  
 Deutsch Matsui Tauscher  
 Dicks McCarthy (MO) Taylor (MS)  
 Dingell McCarthy (NY) Thomas  
 Doggett McCollum Thompson (CA)  
 Dooley (CA) McDermott Thompson (MS)  
 Doyle McGovern Tiberti  
 Dreier McKeon Tierney  
 Dunn McNulty Towns  
 Ehlers Meehan Turner (TX)  
 Emanuel Meek (FL) Udall (CO)  
 Emerson Meeks (NY) Udall (NM)  
 Engel Menendez Van Hollen  
 English Michaud Velazquez  
 Eshoo Miller (NC) Visclosky  
 Etheridge Miller, George Walsh  
 Evans Mollohan Waters  
 Everett Moore Watson  
 Farr Moran (KS) Watt  
 Fattah Moran (VA) Waxman  
 Filner Murtha Weiner  
 Ford Nadler Weller  
 Frank (MA) Napolitano Wexler  
 Frelinghuysen Neal (MA) Wicker  
 Frost Nethercutt Wolf  
 Gerlach Northup Woolsey  
 Gilchrest Nunes Wu  
 Gillmor Nussle Wynn  
 Gonzalez Olver Young (FL)

NOT VOTING—16

Cooper Hinchey Millender-  
 Fletcher Holt McDonald  
 Gephardt Issa Oberstar  
 Green (TX) Kelly Radanovich  
 Greenwood McCrery Ros-Lehtinen  
 Gutterrez

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1740

Mr. PETRI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. KELLY. Mr. Chairman, on rollcall No. 452, due to a technical difficulty with my voting card, my vote was not recorded. I would have voted "aye."

Stated against:

Ms. MILLENDER-MCDONALD. Mr. Chairman, on rollcall No. 452, I was detained by constituents that precluded me from getting to the floor. Had I been present, I would have voted "no."

Mr. HOLT. Mr. Chairman, I was detained on rollcall vote number 452, the Stearns amendment. If I had been here, I would have voted "no." At a time when AmeriCorp is already underfunded by \$100 million, this is no time to cut it further.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 208, not voting 9, as follows:

[Roll No. 453]

AYES—217

Abercrombie	Cramer	Gutierrez
Ackerman	Crowley	Harman
Alexander	Cummings	Hastings (FL)
Allen	Davis (AL)	Hill
Andrews	Davis (CA)	Hinojosa
Baca	Davis (FL)	Hoefel
Bachus	Davis (IL)	Holt
Baird	Davis (TN)	Honda
Baldwin	Davis, Jo Ann	Hooley (OR)
Ballance	DeFazio	Houghton
Bartlett (MD)	DeGette	Hoyer
Becerra	Delahunt	Inslee
Bell	DeLauro	Israel
Berkley	Deutsch	Jackson (IL)
Berman	Dicks	Jackson-Lee
Berry	Dingell	(TX)
Bishop (NY)	Doggett	Jefferson
Blumenauer	Dooley (CA)	John
Boswell	Doyle	Johnson (CT)
Boucher	Edwards	Johnson, E. B.
Boyd	Emanuel	Jones (OH)
Brady (PA)	Engel	Kaptur
Brown (OH)	English	Kennedy (RI)
Brown, Corrine	Eshoo	Kildee
Capito	Etheridge	Kilpatrick
Capps	Evans	Kind
Capuano	Farr	Kleccka
Cardin	Fattah	Kucinich
Cardoza	Filner	Lampson
Carson (IN)	Ford	Langevin
Carson (OK)	Fossella	Lantos
Case	Frank (MA)	Larsen (WA)
Castle	Frost	Larson (CT)
Clay	Gonzalez	Leach
Clyburn	Goss	Lee
Conyers	Green (WI)	Levin
Costello	Grijalva	Lewis (GA)

Lewis (KY)	Obey	Skelton
Lipinski	Olver	Slaughter
Lofgren	Ortiz	Smith (NJ)
Lowe	Owens	Smith (WA)
Lucas (KY)	Pallone	Snyder
Lynch	Pascrell	Solis
Majette	Pastor	Spratt
Maloney	Paul	Stark
Markey	Payne	Stenholm
Marshall	Pelosi	Strickland
Matheson	Peterson (MN)	Tancredo
Matsui	Pomeroy	Tanner
McCarthy (MO)	Price (NC)	Tauscher
McCarthy (NY)	Ramstad	Taylor (MS)
McCollum	Rangel	Thompson (CA)
McDermott	Reyes	Thompson (MS)
McGovern	Rodriguez	Tierney
McHugh	Ross	Towns
McIntyre	Rothman	Turner (TX)
McNulty	Roybal-Allard	Udall (CO)
Meehan	Ruppersberger	Udall (NM)
Meek (FL)	Rush	Van Hollen
Meeks (NY)	Ryan (OH)	Velazquez
Menendez	Ryan (WI)	Visclosky
Michaud	Sabo	Walden (OR)
Millender-McDonald	Sanchez, Linda T.	Waters
Miller (NC)	Sanchez, Loretta	Watson
Miller, George	Sanders	Watt
Moore	Sandlin	Waxman
Moran (VA)	Schakowsky	Weiner
Murphy	Schiff	Wexler
Murtha	Scott (GA)	Wilson (NM)
Nadler	Scott (VA)	Woolsey
Napolitano	Sensenbrenner	Wu
Neal (MA)	Serrano	Wynn
Nussle	Sherman	

NOES—208

Aderholt	Feeney	Linder
Akin	Ferguson	LoBiondo
Baker	Flake	Lucas (OK)
Ballenger	Foley	Manzullo
Barrett (SC)	Forbes	McCotter
Barton (TX)	Franks (AZ)	McInnis
Bass	Frelinghuysen	McKeon
Beauprez	Gallegly	Mica
Bereuter	Garrett (NJ)	Miller (FL)
Biggett	Gerlach	Miller (MI)
Bilirakis	Gibbons	Miller, Gary
Bishop (GA)	Gilchrest	Mollohan
Bishop (UT)	Gillmor	Moran (KS)
Blackburn	Gingrey	Musgrave
Blunt	Goode	Myrick
Boehlert	Goodlatte	Nethercutt
Boehner	Gordon	Neugebauer
Bonilla	Granger	Ney
Bonner	Graves	Northup
Bono	Greenwood	Norwood
Boozman	Gutknecht	Nunes
Bradley (NH)	Hall	Osborne
Brady (TX)	Harris	Ose
Brown (SC)	Hart	Otter
Brown-Waite,	Hastings (WA)	Oxley
Ginny	Hayes	Pearce
Burgess	Hayworth	Pence
Burns	Hefley	Peterson (PA)
Burr	Hensarling	Petri
Burton (IN)	Herger	Pickering
Buyer	Hobson	Pitts
Calvert	Hoekstra	Platts
Camp	Holden	Pombo
Cannon	Hostettler	Porter
Cantor	Hulshof	Portman
Carter	Hunter	Pryce (OH)
Chabot	Hyde	Putnam
Chocola	Isakson	Quinn
Coble	Issa	Radanovich
Cole	Istook	Rahall
Collins	Janklow	Regula
Cox	Jenkins	Rehberg
Crane	Johnson (IL)	Renzi
Crenshaw	Johnson, Sam	Reynolds
Cubin	Jones (NC)	Rogers (AL)
Culbertson	Kanjorski	Rogers (KY)
Cunningham	Keller	Rogers (MI)
Davis, Tom	Kelly	Rohrabacher
Deal (GA)	Kennedy (MN)	Royce
DeLay	King (IA)	Ryun (KS)
DeMint	King (NY)	Saxton
Diaz-Balart, L.	Kingston	Schrock
Diaz-Balart, M.	Kirk	Sessions
Doolittle	Kline	Shadegg
Dreier	Knollenberg	Shaw
Duncan	Kolbe	Shays
Dunn	LaHood	Sherwood
Ehlers	Latham	Shimkus
Emerson	LaTourrette	Shuster
Everett	Lewis (CA)	Simmons

Simpson	Thomas	Weldon (FL)
Smith (MI)	Thornberry	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Souder	Tiberi	Whitfield
Stearns	Toomey	Wicker
Stupak	Turner (OH)	Wilson (SC)
Sweeney	Upton	Wolf
Tauzin	Vitter	Young (AK)
Taylor (NC)	Walsh	Young (FL)
Terry	Wamp	

NOT VOTING—9

Cooper	Green (TX)	Oberstar
Fletcher	Hinchee	Ros-Lehtinen
Gephardt	McCrery	Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1749

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 309, not voting 11, as follows:

[Roll No. 454]

AYES—114

Abercrombie	Holden	Obey
Ackerman	Honda	Olver
Allen	Hookey (OR)	Owens
Andrews	Inslee	Pallone
Baldwin	Jackson (IL)	Pascrell
Bass	Johnson (CT)	Payne
Berkley	Johnson (IL)	Pelosi
Bishop (NY)	Kelly	Ramstad
Blumenauer	Kennedy (RI)	Rangel
Bradley (NH)	Kildee	Roybal-Allard
Brady (PA)	Kind	Ruppersberger
Capuano	Kleccka	Rush
Cardoza	Kucinich	Ryan (OH)
Carson (IN)	Langevin	Sabo
Carson (OK)	Lantos	Sanchez, Linda T.
Case	Larson (CT)	Sanders
Chocola	Leach	Saxton
Clay	Lee	Schakowsky
Conyers	Levin	Shays
Costello	Lewis (GA)	Simmons
Crowley	LoBiondo	Slaughter
DeFazio	Lowey	Smith (WA)
DeGette	Lynch	Solis
Delahunt	Markey	Stark
DeLauro	Matsui	Strickland
Dingell	McCarthy (MO)	Terry
Doggett	McCarthy (NY)	Thompson (CA)
Emanuel	McCollum	Tierney
Engel	McDermott	Towns
Eshoo	McGovern	Udall (CO)
Evans	McNulty	Udall (NM)
Fattah	Meehan	Velazquez
Ferguson	Meeks (NY)	Waters
Filner	Michaud	Waxman
Frost	Miller, George	Weiner
Gonzalez	Moore	Woolsey
Goss	Nadler	
Green (WI)	Napolitano	
Grijalva	Neal (MA)	

NOES—309

Aderholt	Fossella	Mollohan
Akin	Franks (AZ)	Moran (KS)
Alexander	Frelinghuysen	Moran (VA)
Baca	Frost	Murphy
Bachus	Galleghy	Murtha
Baird	Garrett (NJ)	Musgrave
Baker	Gibbons	Myrick
Ballance	Gilchrest	Nethercutt
Ballenger	Gillmor	Neugebauer
Barrett (SC)	Gingrey	Ney
Bartlett (MD)	Gonzalez	Northup
Barton (TX)	Goode	Norwood
Beauprez	Goodlatte	Nunes
Becerra	Gordon	Nussle
Bell	Goss	Ortiz
Bereuter	Granger	Osborne
Berman	Graves	Ose
Berry	Green (WI)	Otter
Biggert	Greenwood	Oxley
Bilirakis	Gutknecht	Pastor
Bishop (GA)	Hall	Paul
Bishop (UT)	Harman	Pearce
Blackburn	Harris	Pence
Blunt	Hart	Peterson (MN)
Boehlert	Hastings (FL)	Peterson (PA)
Boehner	Hastings (WA)	Petri
Bonilla	Hayes	Pickering
Bonner	Hayworth	Pitts
Bono	Hefley	Platts
Boozman	Hensarling	Pombo
Boswell	Herger	Pomeroy
Boucher	Hill	Porter
Boyd	Hinojosa	Portman
Brady (TX)	Hobson	Price (NC)
Brown (OH)	Hoekstra	Pryce (OH)
Brown (SC)	Holt	Putnam
Brown, Corrine	Hostettler	Quinn
Brown-Waite,	Houghton	Radanovich
Ginny	Hoyer	Rahall
Burgess	Hulshof	Regula
Burns	Hyde	Rehberg
Burr	Isakson	Renzi
Burton (IN)	Israel	Reyes
Buyer	Issa	Reynolds
Calvert	Istook	Rodriguez
Camp	Jackson-Lee	Rogers (AL)
Cannon	(TX)	Rogers (KY)
Cantor	Janklow	Rogers (MI)
Capito	Jefferson	Rohrabacher
Capps	Jenkins	Ross
Cardin	John	Rothman
Carter	Johnson, E. B.	Royce
Castle	Johnson, Sam	Ryan (WI)
Chabot	Jones (NC)	Ryun (KS)
Clyburn	Jones (OH)	Sanchez, Loretta
Coble	Kanjorski	Sandlin
Cole	Kaptur	Schiff
Collins	Keller	Schrock
Cox	Kennedy (MN)	Scott (GA)
Cramer	Kilpatrick	Scott (VA)
Crane	King (IA)	Sensenbrenner
Crenshaw	King (NY)	Serrano
Cubin	Kingston	Sessions
Culberson	Kirk	Shadegg
Cummings	Kline	Shaw
Cunningham	Knollenberg	Sherman
Davis (AL)	Kolbe	Sherwood
Davis (CA)	LaHood	Shimkus
Davis (FL)	Lampson	Shuster
Davis (IL)	Larsen (WA)	Simpson
Davis (TN)	Latham	Skelton
Davis, Jo Ann	LaTourette	Smith (MI)
Davis, Tom	Lewis (CA)	Smith (NJ)
Deal (GA)	Lewis (KY)	Smith (TX)
DeLay	Linder	Snyder
DeMint	Lipinski	Souder
Deutsch	Lofgren	Spratt
Diaz-Balart, L.	Lucas (KY)	Stearns
Diaz-Balart, M.	Lucas (OK)	Stenholm
Dicks	Majette	Stupak
Dooley (CA)	Maloney	Sweeney
Doolittle	Manzullo	Tancredi
Doyle	Marshall	Tanner
Dreier	Matheson	Tauscher
Duncan	McCotter	Tauzin
Dunn	McHugh	Taylor (MS)
Edwards	McInnis	Taylor (NC)
Ehlers	McIntyre	Thomas
Emerson	McKeon	Thompson (MS)
English	Meek (FL)	Thornberry
Etheridge	Menendez	Tiahrt
Everett	Mica	Tiberi
Farr	Millender-	Toomey
Feeney	McDonald	Turner (OH)
Flake	Miller (FL)	Turner (TX)
Foley	Miller (MI)	Upton
Forbes	Miller (NC)	Van Hollen
Ford	Miller, Gary	Visclosky

Vitter	Weldon (FL)	Wilson (SC)
Walden (OR)	Weldon (PA)	Wolf
Walsh	Weller	Wu
Wamp	Wexler	Wynn
Watson	Whitfield	Young (AK)
Watt	Wicker	Young (FL)

NOT VOTING—11

Cooper	Hinchey	Ros-Lehtinen
Fletcher	Hunter	Sullivan
Gephardt	McCrery	Wilson (NM)
Green (TX)	Oberstar	

ANNOUNCEMENT BY THE CHAIRMAN  
The CHAIRMAN (during the vote).  
Members are advised there are 2 minutes remaining in this vote.

□ 1756

Ms. LINDA T. SANCHEZ of California changed her vote from “no” to “aye.”

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:  
Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 454 I was unavoidably absent. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. LEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.  
The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 232, not voting 10, as follows:

[Roll No. 455]

AYES—192

Abercrombie	Cummings	Hinojosa
Ackerman	Davis (AL)	Hoefl
Alexander	Davis (CA)	Holt
Allen	Davis (FL)	Honda
Andrews	Davis (IL)	Hooley (OR)
Baca	Davis (WA)	Hoyer
Baldwin	DeFazio	Inslee
Ballance	DeGette	Israe
Bartlett (MD)	Delahunt	Jackson (IL)
Becerra	DeLauro	Jackson-Lee
Bell	Deutsch	(TX)
Berkley	Dicks	Jefferson
Berman	Dingell	Johnson, E. B.
Berry	Doggett	Jones (OH)
Biggert	Dooley (CA)	Kaptur
Bishop (GA)	Doyle	Kelly
Bishop (NY)	Edwards	Kennedy (RI)
Blumenauer	Emanuel	Kildee
Boswell	Engel	Kilpatrick
Boyd	Eshoo	Kind
Brady (PA)	Etheridge	Kleccka
Brown (OH)	Farr	Kucinich
Capps	Fattah	Lampson
Capuano	Filner	Langevin
Cardin	Ford	Lantos
Cardoza	Frank (MA)	Larsen (WA)
Carson (IN)	Frost	Larson (CT)
Carson (OK)	Gonzalez	Leach
Case	Green (WI)	Lee
Clay	Grijalva	Levin
Clyburn	Gutierrez	Lewis (GA)
Conyers	Harman	Lofgren
Costello	Hastings (FL)	Lowey
Crowley	Hill	Lynch

Majette	Pallone	Sherman
Maloney	Pascrell	Skelton
Markey	Pastor	Slaughter
Matheson	Paul	Smith (WA)
Matsui	Payne	Snyder
McCarthy (MO)	Pelosi	Solis
McCarthy (NY)	Pomeroy	Spratt
McCullum	Price (NC)	Stark
McDermott	Rahall	Stenholm
McGovern	Ramstad	Strickland
McIntyre	Rangel	Tanner
McNulty	Reyes	Tauscher
Meehan	Rodriguez	Thompson (CA)
Meek (FL)	Ross	Thompson (MS)
Meeks (NY)	Rothman	Tierney
Menendez	Roybal-Allard	Towns
Michaud	Ruppersberger	Turner (TX)
Millender-	Rush	Udall (CO)
McDonald	Ryan (OH)	Udall (NM)
Miller (NC)	Sabo	Van Hollen
Miller, George	Sanchez, Linda	Velazquez
Mollohan	T.	Visclosky
Moore	Sanchez, Loretta	Waters
Moran (VA)	Sanders	Watson
Nadler	Sandlin	Watt
Napolitano	Schakowsky	Waxman
Neal (MA)	Schiff	Weiner
Obey	Scott (GA)	Wexler
Olver	Scott (VA)	Woolsey
Ortiz	Serrano	Wu
Owens	Shays	Wynn

NOES—232

Aderholt	Evans	Lewis (KY)
Akin	Everett	Linder
Bachus	Feeney	Lipinski
Baird	Ferguson	LoBiondo
Baker	Flake	Lucas (KY)
Ballenger	Foley	Lucas (OK)
Barrett (SC)	Forbes	Manzullo
Barton (TX)	Fossella	Marshall
Bass	Franks (AZ)	McCotter
Beauprez	Frelinghuysen	McHugh
Bereuter	Galleghy	McInnis
Bilirakis	Garrett (NJ)	McKeon
Bishop (UT)	Gerlach	Mica
Blackburn	Gibbons	Miller (FL)
Blunt	Gilchrest	Miller (MI)
Boehlert	Gillmor	Miller, Gary
Boehner	Gingrey	Moran (KS)
Bonilla	Goode	Murphy
Bonner	Goodlatte	Murtha
Bono	Gordon	Musgrave
Boozman	Goss	Myrick
Boucher	Granger	Nethercutt
Bradley (NH)	Graves	Neugebauer
Brady (TX)	Greenwood	Ney
Brown (SC)	Gutknecht	Northup
Brown, Corrine	Hall	Norwood
Brown-Waite,	Harris	Nunes
Ginny	Hart	Nussle
Burgess	Hastings (WA)	Osborne
Burns	Hayes	Ose
Burr	Hayworth	Otter
Burton (IN)	Hefley	Oxley
Buyer	Hensarling	Pearce
Calvert	Herger	Pence
Camp	Hobson	Peterson (MN)
Cannon	Hoekstra	Peterson (PA)
Cantor	Holden	Petri
Capito	Hostettler	Pickering
Carter	Houghton	Pitts
Castle	Hulshof	Platts
Chabot	Hunter	Pombo
Chocola	Hyde	Porter
Coble	Isakson	Portman
Cole	Issa	Pryce (OH)
Collins	Istook	Putnam
Cox	Janklow	Quinn
Cramer	Jenkins	Radanovich
Crane	John	Regula
Crenshaw	Johnson (CT)	Rehberg
Cubin	Johnson (IL)	Renzi
Culberson	Johnson, Sam	Reynolds
Cunningham	Jones (NC)	Rogers (AL)
Davis, Jo Ann	Kanjorski	Rogers (KY)
Davis, Tom	Keller	Rogers (MI)
Deal (GA)	Kennedy (MN)	Rohrabacher
DeLay	King (IA)	Royce
DeMint	King (NY)	Ryan (WI)
Diaz-Balart, L.	Kingston	Ryun (KS)
Diaz-Balart, M.	Kirk	Saxton
Doolittle	Kline	Schrock
Dreier	Knollenberg	Sensenbrenner
Duncan	Kolbe	Sessions
Dunn	LaHood	Shadegg
Ehlers	Latham	Shaw
Emerson	LaTourette	Sherwood
English	Lewis (CA)	Shimkus

Shuster	Taylor (MS)	Walsh
Simmons	Taylor (NC)	Wamp
Simpson	Terry	Weldon (FL)
Smith (MI)	Thomas	Weldon (PA)
Smith (NJ)	Thornberry	Weller
Smith (TX)	Tiahrt	Whitfield
Souder	Tiberi	Wicker
Stearns	Toomey	Wilson (SC)
Stupak	Turner (OH)	Wolf
Sweeney	Upton	Young (AK)
Tancredo	Vitter	Young (FL)
Tauzin	Walden (OR)	

## NOT VOTING—10

Cooper	Hinchey	Sullivan
Fletcher	McCrery	Wilson (NM)
Gephardt	Oberstar	
Green (TX)	Ros-Lehtinen	

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 455 I was unavoidably absent. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there any further amendments? If not, the Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 338, 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 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.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the remaining votes on final passage, if ordered, and on the concurrent resolution on adjournment and on the Toomey amendment be conducted as 5-minute votes if there are no intervening recorded votes ordered.

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

There was no objection.  
The SPEAKER pro tempore. The question is on passage of the bill.  
Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to the order of the House just adopted, this will be a 5-minute vote. This vote will be followed by a series of other 5-minute votes on the adjournment resolution and on the postponed proceedings of H.R. 2859. Because of the unusual nature of the unanimous consent request, the Chair will make certain that all Members have the opportunity to vote during this 5-minute series.

The vote was taken by electronic device, and there were—yeas 316, nays 109, not voting 10, as follows:

[Roll No. 456]

YEAS—316

Abercrombie	Dingell	Kildee
Ackerman	Doggett	Kilpatrick
Aderholt	Dooley (CA)	King (IA)
Andrews	Doolittle	Kingston
Baca	Doyle	Kirk
Bachus	Dreier	Kleczka
Baker	Duncan	Knollenberg
Baldwin	Dunn	Kolbe
Ballance	Edwards	LaHood
Ballenger	Ehlers	Lampson
Barton (TX)	Emanuel	Lantos
Bass	Emerson	Larson (CT)
Becerra	Engel	Latham
Bell	Eshoo	LaTourette
Bereuter	Etheridge	Leach
Berkley	Everett	Levin
Berman	Farr	Lewis (CA)
Berry	Fattah	Lewis (GA)
Biggert	Ferguson	Linder
Bishop (GA)	Foley	Lipinski
Bishop (NY)	Ford	Lofgren
Bishop (UT)	Fossella	Lowe
Blumenauer	Frank (MA)	Lucas (KY)
Blunt	Frelinghuysen	Lucas (OK)
Boehlert	Frost	Lynch
Boehner	Gallely	Majette
Bonilla	Gibbons	Maloney
Bonner	Gilchrest	Manzullo
Bono	Gillmor	Markey
Boucher	Gingrey	Marshall
Boyd	Gonzalez	Matheson
Brady (PA)	Goode	Matsui
Brady (TX)	Goodlatte	McCarthy (MO)
Brown (SC)	Gordon	McCarthy (NY)
Brown, Corrine	Goss	McDermott
Burr	Granger	McGovern
Burton (IN)	Graves	McHugh
Buyer	Greenwood	McKeon
Calvert	Hall	McNulty
Camp	Harman	Meehan
Cannon	Harris	Meek (FL)
Cantor	Hastert	Meeks (NY)
Capito	Hastings (FL)	Menendez
Capps	Hastings (WA)	Mica
Capuano	Hayes	Millender-
Cardin	Herger	McDonald
Cardoza	Hinojosa	Miller (MI)
Castle	Hobson	Miller (NC)
Chabot	Hoefel	Miller, Gary
Clay	Hoekstra	Miller, George
Clyburn	Holden	Mollohan
Cole	Holt	Moore
Collins	Houghton	Moran (VA)
Cox	Hoyer	Murtha
Cramer	Hulshof	Myrick
Crane	Hunter	Nadler
Crenshaw	Isakson	Napolitano
Crowley	Israel	Neal (MA)
Cubin	Issa	Nethercutt
Culberson	Istook	Neugebauer
Cummings	Jackson-Lee	Ney
Cunningham	(TX)	Northup
Davis (AL)	Jefferson	Norwood
Davis (FL)	Jenkins	Nunes
Davis, Tom	Johnson, E. B.	Olver
Deal (GA)	Johnson, Sam	Ortiz
DeLauro	Jones (OH)	Osborne
DeLay	Kanjorski	Ose
DeMint	Kaptur	Otter
Deutsch	Keller	Owens
Diaz-Balart, L.	Kelly	Oxley
Diaz-Balart, M.	Kennedy (MN)	Pallone
Dicks	Kennedy (RI)	Pascrell

Pastor	Sabo	Thomas
Payne	Sanchez, Linda	Thompson (CA)
Pearce	T.	Thompson (MS)
Pelosi	Sanchez, Loretta	Thornberry
Pence	Sanders	Tiahrt
Peterson (MN)	Sandlin	Tiberi
Peterson (PA)	Saxton	Tierney
Petri	Schiff	Towns
Pickering	Scott (GA)	Turner (TX)
Pitts	Scott (VA)	Upton
Platts	Serrano	Van Hollen
Pombo	Sessions	Visclosky
Porter	Shadegg	Vitter
Portman	Shaw	Walden (OR)
Price (NC)	Shays	Walsh
Pryce (OH)	Sherman	Wamp
Putnam	Sherwood	Waters
Quinn	Shimkus	Watson
Radanovich	Shuster	Waxman
Rahall	Simpson	Weiner
Rangel	Skelton	Weldon (FL)
Regula	Slaughter	Weldon (PA)
Rehberg	Smith (TX)	Weller
Reyes	Snyder	Whitfield
Reynolds	Souder	Wicker
Rogers (AL)	Spratt	Wilson (SC)
Rogers (KY)	Stearns	Wolf
Rohrabacher	Stenholm	Stupak
Ross	Ross	Sweeney
Rothman	Roybal-Allard	Tauzin
Royce	Royce	Taylor (MS)
Ruppersberger	Ruppersberger	Taylor (NC)
Rush	Rush	Terry

## NAYS—109

Akin	Forbes	Michaud
Alexander	Franks (AZ)	Miller (FL)
Allen	Garrett (NJ)	Moran (KS)
Baird	Gerlach	Murphy
Barrett (SC)	Green (WI)	Musgrave
Bartlett (MD)	Grijalva	Nussle
Beauprez	Gutierrez	Obey
Bilirakis	Gutknecht	Paul
Blackburn	Hart	Pomeroy
Boozman	Hayworth	Ramstad
Boswell	Hefley	Renzi
Bradley (NH)	Hensarling	Rodriguez
Brown (OH)	Hill	Rogers (MI)
Brown-Waite,	Honda	Ryan (OH)
Ginny	Hoolley (OR)	Ryan (WI)
Burgess	Hostettler	Ryan (KS)
Burns	Hyde	Schakowsky
Carson (IN)	Inslee	Schrock
Carson (OK)	Jackson (IL)	Sensenbrenner
Carter	Janklow	Simmons
Case	John	Smith (MI)
Chocola	Johnson (CT)	Smith (NJ)
Coble	Johnson (IL)	Smith (WA)
Conyers	Jones (NC)	Solis
Costello	Kind	Stark
Davis (CA)	King (NY)	Strickland
Davis (IL)	Kline	Tancredo
Davis (TN)	Kucinich	Tanner
Davis, Jo Ann	Langevin	Tauscher
DeFazio	Larsen (WA)	Toomey
DeGette	Lee	Turner (OH)
Delahunt	Lewis (KY)	Udall (CO)
English	LoBiondo	Udall (NM)
Evans	McCullum	Velazquez
Feeney	McCotter	Watt
Filner	McInnis	Wexler
Flake	McIntyre	

## NOT VOTING—10

Cooper	Hinchey	Sullivan
Fletcher	McCrery	Wilson (NM)
Gephardt	Oberstar	
Green (TX)	Ros-Lehtinen	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1815

Messrs. POMEROY, DELAHUNT, LARSEN of Washington and MCINTYRE changed their vote from "yea" to "nay."

Messrs. EMANUEL, MOORE, HAYES, and MARKEY 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.

Stated against:

Mr. WILSON of New Mexico. Mr. Speaker, on rollcall No. 456 I was unavoidably absent. Had I been present, I would have voted "nay."

□ 1815

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 259) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 259

*Resolved by the House of Representatives (the Senate concurring).* That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, September 3, 2003 or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 25, 2003, through Monday, August 4, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 2, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The resolution is not debatable.

Pursuant to section 132 of the Legislative Reorganization Act of 1946, this vote must be taken by the yeas and nays.

Under the previous order of the House, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 40, not voting 19, as follows:

[Roll No. 457]

YEAS—376

Abercrombie	Baldwin	Berkley
Ackerman	Ballance	Berman
Aderholt	Ballenger	Berry
Akin	Barrett (SC)	Biggert
Allen	Bartlett (MD)	Bilirakis
Andrews	Barton (TX)	Bishop (GA)
Bachus	Bass	Bishop (UT)
Baird	Beauprez	Blackburn
Baker	Bereuter	Blumenauer

Blunt	Gilchrest	McCotter
Boehlert	Gillmor	McDermott
Bonilla	Gingrey	McGovern
Bonner	Gonzalez	McHugh
Bono	Goode	McInnis
Boozman	Goodlatte	McIntyre
Boswell	Gordon	McKeon
Boucher	Goss	McNulty
Boyd	Granger	Meehan
Bradley (NH)	Graves	Meeks (NY)
Brady (PA)	Green (WI)	Mica
Brady (TX)	Greenwood	Michaud
Brown (OH)	Gutierrez	Millender-
Brown (SC)	Gutknecht	McDonald
Brown, Corrine	Harris	Miller (FL)
Brown-Waite,	Hart	Miller (MI)
Ginny	Hastert	Miller (NC)
Burgess	Hastings (FL)	Miller, Gary
Burns	Hastings (WA)	Mollohan
Burr	Hayes	Moore
Buyer	Hayworth	Moran (KS)
Calvert	Hefley	Moran (VA)
Camp	Hensarling	Murphy
Cannon	Herger	Murtha
Cantor	Hill	Musgrave
Capito	Hinojosa	Myrick
Capps	Hobson	Nadler
Capuano	Hoefel	Napolitano
Cardin	Hoekstra	Neal (MA)
Cardoza	Holden	Nethercutt
Carson (IN)	Honda	Neugebauer
Carson (OK)	Hooley (OR)	Ney
Carter	Hostettler	Northup
Case	Houghton	Norwood
Castle	Hoyer	Nunes
Chabot	Hulshof	Nussle
Chocola	Hunter	Obey
Clay	Hyde	Ortiz
Clyburn	Insee	Osborne
Coble	Isakson	Ose
Cole	Israel	Otter
Collins	Issa	Owens
Conyers	Istook	Oxley
Costello	Jackson (IL)	Pallone
Cox	Janklow	Pascrell
Cramer	Jefferson	Paul
Crane	Jenkins	Payne
Crenshaw	John	Pearce
Crowley	Johnson (CT)	Pence
Cubin	Johnson (IL)	Peterson (MN)
Culberson	Johnson, E. B.	Peterson (PA)
Cummings	Johnson, Sam	Petri
Cunningham	Jones (NC)	Pickering
Davis (AL)	Jones (OH)	Pitts
Davis (CA)	Kanjorski	Platts
Davis (FL)	Kaptur	Pombo
Davis (IL)	Keller	Pomeroy
Davis (TN)	Kelly	Porter
Davis, Jo Ann	Kennedy (MN)	Portman
Davis, Tom	Kennedy (RI)	Price (NC)
Deal (GA)	Kildee	Pryce (OH)
DeGette	Kilpatrick	Putnam
Delahunt	Kind	Quinn
DeLay	King (IA)	Radanovich
DeMint	King (NY)	Ramstad
Deutsch	Kingston	Rangel
Diaz-Balart, M.	Kirk	Regula
Dingell	Klecza	Rehberg
Doolittle	Kline	Renzi
Dooley (CA)	Knollenberg	Reyes
Doolittle	Kolbe	Reynolds
Dreier	Kucinich	Rodriguez
Duncan	LaHood	Rogers (AL)
Dunn	Lampson	Rogers (KY)
Edwards	Langevin	Rogers (MI)
Ehlers	Lantos	Rohrabacher
Emanuel	Larsen (WA)	Ross
Emerson	Larson (CT)	Rothman
Engel	Latham	Roybal-Allard
English	LaTourrette	Royce
Eshoo	Leach	Ruppersberger
Etheridge	Levin	Rush
Evans	Lewis (CA)	Ryan (OH)
Farr	Lewis (GA)	Ryan (WI)
Feeney	Lewis (KY)	Ryun (KS)
Ferguson	Linder	Sabo
Flake	LoBiondo	Sanchez, Loretta
Foley	Lowe	Sanders
Forbes	Lucas (KY)	Sandlin
Ford	Lucas (OK)	Saxton
Fossella	Lynch	Schrock
Frank (MA)	Majette	Scott (GA)
Franks (AZ)	Manzullo	Sensenbrenner
Frelinghuysen	Markey	Serrano
Frost	Marshall	Shadegg
Galleghy	Matheson	Shaw
Garrett (NJ)	Matsui	Shays
Gerlach	McCarthy (MO)	Sherwood
Gibbons	McCollum	Shimkus

Shuster	Tauscher	Walden (OR)
Simmons	Tauzin	Walsh
Simpson	Taylor (MS)	Wamp
Skelton	Terry	Waters
Slaughter	Thomas	Watson
Smith (MI)	Thompson (CA)	Waxman
Smith (NJ)	Thompson (MS)	Weldon (FL)
Smith (TX)	Thornberry	Weldon (PA)
Smith (WA)	Tiahrt	Weller
Snyder	Tiberi	Whitfield
Souder	Toomey	Wicker
Spratt	Towns	Wilson (SC)
Stark	Turner (OH)	Wolf
Stearns	Turner (TX)	Woolsey
Stenholm	Upton	Wu
Stupak	Velazquez	Wynn
Sweeney	Visclosky	Young (AK)
Tancredo	Vitter	Young (FL)

NAYS—40

Alexander	Holt	Schiff
Baca	Lee	Scott (VA)
Becerra	Lofgren	Sherman
Bell	Maloney	Solis
Bishop (NY)	McCarthy (NY)	Strickland
DeFazio	Meek (FL)	Tanner
DeLauro	Menendez	Tierney
Dicks	Olver	Udall (CO)
Doggett	Pastor	Udall (NM)
Fattah	Pelosi	Van Hollen
Filner	Rahall	Watt
Grijalva	Sanchez, Linda	Weiner
Hall	T.	Wexler
Harman	Schakowsky	

NOT VOTING—19

Boehner	Green (TX)	Oberstar
Burton (IN)	Hinchee	Ros-Lehtinen
Cooper	Jackson-Lee	Sessions
Diaz-Balart, L.	(TX)	Sullivan
Everett	Lipinski	Taylor (NC)
Fletcher	McCrery	Wilson (NM)
Gephardt	Miller, George	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

Ms. DELAURO changed her vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 457, I was unavoidably absent. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material therein.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. Pursuant to the order of the House today, proceedings will now resume on the bill (H.R. 2859), making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, pending was the amendment by the gentleman from Pennsylvania (Mr. TOOMEY) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

This is a 5-minute order pursuant to the previous order of the House to be followed by a second 5-minute vote on passage.

The vote was taken by electronic device, and there were—yeas 111, nays 300, not voting 23, as follows:

[Roll No. 458]

YEAS—111

Akin	Forbes	Neugebauer
Bachus	Fossella	Norwood
Barrett (SC)	Franks (AZ)	Nussle
Bartlett (MD)	Garrett (NJ)	Otter
Barton (TX)	Gibbons	Paul
Beauprez	Gingrey	Pence
Berry	Goode	Petri
Bishop (UT)	Goodlatte	Pickering
Blackburn	Graves	Pitts
Boyd	Gutknecht	Platts
Brady (TX)	Hall	Radanovich
Brown-Waite,	Harman	Ramstad
Ginny	Hart	Renzi
Burgess	Hayes	Reynolds
Burr	Hayworth	Rohrabacher
Buyer	Hefley	Royce
Camp	Hensarling	Ryan (WI)
Cannon	Herger	Ryun (KS)
Cardoza	Hoekstra	Schrock
Case	Hostettler	Sensenbrenner
Chabot	Isakson	Sessions
Chocola	Issa	Shadegg
Coble	Johnson, Sam	Shays
Cole	Jones (NC)	Shimkus
Collins	Keller	Smith (MI)
Cox	Kennedy (MN)	Smith (WA)
Crane	Kind	Stearns
Cubin	King (IA)	Stenholm
Davis, Jo Ann	Kline	Tancredo
Deal (GA)	Manzullo	Tanner
DeMint	Marshall	Taylor (MS)
Diaz-Balart, M.	McCotter	Terry
Doggett	Mica	Tornberry
Dooley (CA)	Miller (FL)	Toomey
Duncan	Miller, Gary	Vitter
Dunn	Moran (KS)	Wilson (SC)
Feeney	Musgrave	
Flake	Myrick	

NAYS—300

Abercrombie	Boozman	Davis (AL)
Ackerman	Boswell	Davis (CA)
Aderholt	Boucher	Davis (FL)
Alexander	Bradley (NH)	Davis (IL)
Allen	Brady (PA)	Davis (TN)
Andrews	Brown (OH)	Davis, Tom
Baca	Brown (SC)	DeFazio
Baird	Brown, Corrine	DeGette
Baker	Burns	Delahunt
Baldwin	Calvert	DeLauro
Ballance	Cantor	DeLay
Ballenger	Capito	Deutsch
Bass	Capps	Dicks
Becerra	Capuano	Dingell
Bell	Cardin	Doolittle
Bereuter	Carson (IN)	Doyle
Berkley	Carson (OK)	Dreier
Berman	Carter	Edwards
Biggart	Castle	Ehlers
Bilirakis	Clay	Emanuel
Bishop (GA)	Clyburn	Emerson
Bishop (NY)	Costello	Engel
Blumenauer	Cramer	English
Blunt	Crenshaw	Eshoo
Boehlert	Crowley	Etheridge
Bonilla	Culberson	Farr
Bonner	Cummings	Fattah
Bono	Cunningham	Ferguson

Filner	Lofgren	Rothman
Foley	Lowey	Roybal-Allard
Ford	Lucas (KY)	Ruppersberger
Frank (MA)	Lucas (OK)	Rush
Frelinghuysen	Lynch	Ryan (OH)
Frost	Majette	Sabo
Gallegly	Maloney	Sanchez, Linda
Gerlach	Markey	T.
Gilchrist	Matheson	Sanchez, Loretta
Gillmor	Matsui	Sanders
Gonzalez	Matsui	Sandlin
Gordon	McCarthy (NY)	Saxton
Goss	McCollum	Schakowsky
Granger	McDermott	Schiff
Green (WI)	McGovern	Scott (GA)
Greenwood	McHugh	Scott (VA)
Grijalva	McInnis	Serrano
Gutierrez	McIntyre	Shaw
Harris	McKeon	Sherman
Hastings (FL)	McNulty	Sherwood
Hastings (WA)	Meehan	Shuster
Hill	Meeke (FL)	Simmons
Hinojosa	Meeks (NY)	Simpson
Hobson	Menendez	Skelton
Hoefel	Michaud	Smith (NJ)
Holden	Millender-	Smith (TX)
Holt	McDonald	Snyder
Honda	Miller (MI)	Solis
Hooley (OR)	Miller (NC)	Souder
Houghton	Mollohan	Spratt
Hoyer	Moore	Stark
Hulshof	Moran (VA)	Strickland
Hyde	Murphy	Stupak
Insllee	Murtha	Sweeney
Israel	Nadler	Tauscher
Istook	Napolitano	Tauzin
Jackson (IL)	Neal (MA)	Taylor (NC)
Janklow	Nethercutt	Thomas
Jefferson	Ney	Thompson (CA)
Jenkins	Northup	Thompson (MS)
Jenkinson	Nunes	Tiahrt
John	Obey	Tiberi
Johnson (CT)	Olver	Tierney
Johnson (IL)	Ortiz	Towns
Johnson, E. B.	Osborne	Turner (OH)
Jones (OH)	Ose	Turner (TX)
Kanjorski	Owens	Udall (CO)
Kaptur	Oxley	Udall (NM)
Kelly	Pallone	Upton
Kennedy (RI)	Pascrell	Van Hollen
Kildee	Pastor	Velazquez
Kilpatrick	Payne	Visclosky
King (NY)	Pearce	Walden (OR)
Kingston	Pelosi	Walsh
Kirk	Peterson (MN)	Wamp
Klecicka	Peterson (PA)	Waters
Knollenberg	Pombo	Watson
Kolbe	Pomeroy	Watt
Kucinich	Porter	Waxman
LaHood	Portman	Weiner
Lampson	Price (NC)	Weldon (FL)
Langevin	Pryce (OH)	Weldon (PA)
Lantos	Putnam	Weller
Larsen (WA)	Quinn	Wexler
Larson (CT)	Rahall	Whitfield
Latham	Rangel	Wicker
LaTourette	Regula	Wolf
Leach	Rehberg	Woolsey
Lee	Reyes	Wu
Levin	Rodriguez	Wynn
Lewis (CA)	Rogers (AL)	Young (AK)
Lewis (GA)	Rogers (KY)	Young (FL)
Linder	Rogers (MI)	
LoBiondo	Ross	

NOT VOTING—23

Boehner	Gephardt	McCarthy (MO)
Burton (IN)	Green (TX)	McCrery
Conyers	Hinchee	Miller, George
Cooper	Hunter	Oberstar
Diaz-Balart, L.	Jackson-Lee	Ros-Lehtinen
Evans	(TX)	Slaughter
Everett	Lewis (KY)	Sullivan
Fletcher	Lipinski	Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1830

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:  
Mr. ISRAEL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 458 on final passage of H.R. 2859, a bill making

emergency supplemental appropriations for the fiscal year ending September 30, 2003. If I had been present, I would have voted "yea."

Stated against:  
Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 458 I was unavoidably absent. Had I been present, I would have voted "no."  
Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 458, the Toomey amendment, I was unavoidably detained. Had I been present, I would have voted "nay."

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.  
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 60, not voting 23, as follows:

[Roll No. 459]

AYES—352

Abercrombie	Case	Gerlach
Aderholt	Castle	Gibbons
Alexander	Chabot	Gilchrist
Allen	Chocola	Gillmor
Andrews	Clay	Gingrey
Baca	Clyburn	Gonzalez
Bachus	Coble	Goode
Baker	Cole	Goodlatte
Baldwin	Collins	Gordon
Ballance	Conyers	Goss
Ballenger	Costello	Granger
Bass	Cramer	Graves
Becerra	Crane	Greenwood
Bell	Crenshaw	Grijalva
Bereuter	Culberson	Gutierrez
Berkley	Cummings	Gutknecht
Berman	Cunningham	Hall
Berry	Davis (AL)	Harman
Biggart	Davis (CA)	Harris
Bilirakis	Davis (FL)	Hart
Bishop (GA)	Davis (IL)	Hastert
Bishop (NY)	Davis (TN)	Hastings (FL)
Bishop (UT)	Davis, Jo Ann	Hastings (WA)
Blackburn	Davis, Tom	Hayes
Blunt	DeLauro	Hill
Boehlert	DeLay	Hinojosa
Boehner	DeMint	Hobson
Bonilla	Deutsch	Hoefel
Bonner	Diaz-Balart, M.	Hoekstra
Bono	Dicks	Holden
Boozman	Dingell	Holt
Boswell	Doggett	Honda
Boucher	Dooley (CA)	Houghton
Boyd	Doolittle	Hoyer
Bradley (NH)	Doyle	Hulshof
Brady (PA)	Dreier	Hunter
Brown (OH)	Dunn	Hyde
Brown (SC)	Edwards	Insllee
Brown, Corrine	Emanuel	Isakson
Brown-Waite,	Emerson	Issa
Ginny	Engel	Istook
Burgess	English	Jackson (IL)
Burns	Eshoo	Jackson-Lee
Burr	Etheridge	(TX)
Buyer	Evans	Janklow
Calvert	Farr	Jefferson
Camp	Fattah	Jenkins
Cantor	Ferguson	John
Capito	Filner	Johnson (CT)
Capps	Foley	Johnson (IL)
Capuano	Forbes	Johnson, E. B.
Cardin	Ford	Jones (OH)
Cardoza	Frank (MA)	Kanjorski
Carson (IN)	Frelinghuysen	Kaptur
Carson (OK)	Frost	Keller
Carter	Gallegly	Kelly

Kennedy (MN) Moore  
 Kennedy (RI) Moran (KS)  
 Kildee Moran (VA)  
 Kilpatrick Murphy  
 Kind Murtha  
 King (IA) Nadler  
 King (NY) Napolitano  
 Kingston Neal (MA)  
 Kirk Nethercutt  
 Kleczka Neugebauer  
 Kline Ney  
 Knollenberg Northup  
 Kolbe Norwood  
 LaHood Nunes  
 Lampson Obey  
 Langevin Olver  
 Lantos Ortiz  
 Larsen (WA) Osborne  
 Larson (CT) Ose  
 Latham Owens  
 LaTourette Oxley  
 Leach Pallone  
 Lee Pascrell  
 Levin Pastor  
 Lewis (CA) Payne  
 Lewis (GA) Pearce  
 Lewis (KY) Pelosi  
 Linder Pence  
 LoBiondo Peterson (MN)  
 Lofgren Pickering  
 Lowey Platts  
 Lucas (KY) Pombo  
 Lucas (OK) Pomeroy  
 Lynch Porter  
 Majette Portman  
 Maloney Price (NC)  
 Manzullo Pryce (OH)  
 Markey Putnam  
 Marshall Quinn  
 Matheson Radanovich  
 Matsui Rahall  
 McCarthy (NY) Rangel  
 McCollum Regula  
 McCotter Reyes  
 McDermott Reynolds  
 McGovern Rodriguez  
 McHugh Rogers (AL)  
 McIntyre Rogers (KY)  
 McKeon Rogers (MI)  
 McNulty Ross  
 Meehan Rothman  
 Meek (FL) Roybal-Allard  
 Meeks (NY) Ruppersberger  
 Menendez Rush  
 Mica Ryan (OH)  
 Michaud Sabo  
 Millender Sanchez, Linda  
     T.  
 McDonald  
 Miller (MI) Sanchez, Loretta  
 Miller (NC) Sanders  
 Miller, Gary Sandlin  
 Miller, George Saxton  
 Mollohan Schakowsky

NOES—60

Akin Garrett (NJ)  
 Baird Green (WI)  
 Barrett (SC) Hayworth  
 Bartlett (MD) Hefley  
 Barton (TX) Hensarling  
 Beauprez Herger  
 Blumener Hoolley (OR)  
 Cannon Hostettler  
 Cox Johnson, Sam  
 Crowley Jones (NC)  
 Cubin Kucinich  
 Deal (GA) McInnis  
 DeFazio Miller (FL)  
 DeGette Musgrave  
 Duncan Myrick  
 Ehlers Nussle  
 Feeney Otter  
 Flake Paul  
 Fossella Peterson (PA)  
 Franks (AZ) Petri

NOT VOTING—23

Ackerman Gephardt  
 Brady (TX) Green (TX)  
 Burton (IN) Hinchey  
 Cooper Israel  
 Delahunt Lipinski  
 Diaz-Balart, L. McCarthy (MO)  
 Everett McCrery  
 Fletcher Oberstar

Schiff  
 Schrock  
 Scott (VA)  
 Serrano  
 Shaw  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Strickland  
 Stupak  
 Sweeney  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Towns  
 Turner (OH)  
 Turner (TX)  
 Upton  
 Van Hollen  
 Velazquez  
 Visclosky  
 Vitte  
 Walsh  
 Wamp  
 Watson  
 Watt  
 Waxman  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

Pitts  
 Rahstad  
 Rehberg  
 Renzi  
 Rohrabacher  
 Royce  
 Ryun (KS)  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shays  
 Smith (MI)  
 Stearns  
 Stenholm  
 Tancredo  
 Toomey  
 Udall (CO)  
 Udall (NM)  
 Walden (OR)  
 Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1836

So the bill was passed.  
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:  
 Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 459 I was unavoidably absent. Had I been present, I would have voted "aye."  
 Mrs. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 459 I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

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

H.R. 2555. An act making appropriations for the Department of Homeland Security 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. 2555) "An Act making appropriations for the Department of Homeland Security 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. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans.

The message also announced that pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Majority Leader, appoints the Senator from Minnesota (Mr. COLEMAN) as a member of the United States Senate Caucus on International Narcotics Control.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT REGARDING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration

of the bill (H.R. 2854) to amend 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, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2854

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

SECTION 1. EXTENSION OF AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.

(a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004."

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(ii) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(iii) in subparagraph (A)(i)—  
 (I) by striking "or" at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(v) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(vi) in subparagraph (B)(ii)—

(I) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e)."; and

(II) by striking "2002" and inserting "2004"; and

(vii) by adding at the end the following new subparagraph:

“(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State’s allotment for fiscal year 2000 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).”

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 1999” and inserting “, 1999, AND 2000”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 1999” and inserting “, fiscal year 1999, or fiscal year 2000”; and

(II) by striking “or November 30, 2001” and inserting “November 30, 2001, or November 30, 2002”, respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking “2000” and inserting “2001”; and

(ii) by adding at the end of subparagraph (A) the following:

“(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.”

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting “or for fiscal year 2001 by the end of fiscal year 2003,” after “fiscal year 2002,”;

(ii) in subparagraph (A), by striking “1999, or 2000” and inserting “1999, 2000, or 2001”;

(iii) in subparagraph (A)(i)—

(I) by striking “or” at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting “; or”; and

(III) by adding at the end the following new subclause:

“(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).”;

(iv) in subparagraph (A)(ii), by striking “or 2000” and inserting “2000, or 2001”;

(v) in subparagraph (B)—

(I) by striking “and” at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

“(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and”; and

(vi) by adding at the end the following new subparagraph:

“(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State’s allotment for fiscal year 2001 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).”

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 2000” and inserting “2000, AND 2001”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 2000” and inserting “fiscal year 2000, or fiscal year 2001”; and

(II) by striking “or November 30, 2002,” and inserting “November 30, 2002, or November 30, 2003,” respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

“(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

“(1) STATE OPTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, or 2001 (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

“(B) PAYMENTS TO STATES.—

“(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the availability of funds under such subparagraph with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

“(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this subsection and during the period in which funds are available to the qualifying State for use under subparagraph (A), for medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

“(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts

paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

“(2) QUALIFYING STATE.—In this subsection, the term ‘qualifying State’ means a State that, on and after April 15, 1997, has an income eligibility standard that is at least 185 percent of the poverty line with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on July 1, 1995, has an income eligibility standard under such waiver for children that is at least 185 percent of the poverty line, or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on January 1, 1994, has an income eligibility standard under such waiver for children who lack health insurance that is at least 185 percent of the poverty line..

“(3) CONSTRUCTION.—Nothing in paragraphs (1) and (2) shall be construed as modifying the requirements applicable to States implementing State child health plans under this title.”

#### SEC. 2. TECHNICAL CORRECTION.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—Subparagraphs (A) and (B) of section 401(a)(6) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-027) are amended to read as follows:

“(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for any date after September 2, 2003, only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) applied as of such date is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

“(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) for any date after September 2, 2003, is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for subsequent dates in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.”

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 401 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-027).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 1015) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes, 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 Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1015

*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 "Mosquito Abatement for Safety and Health Act".

**SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107-84 and section 312 of Public Law 107-188, is amended—

(1) by transferring section 317R from the current placement of the section and inserting the section after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

**"SEC. 317S. MOSQUITO-BORNE DISEASES; COORDINATION GRANTS TO STATES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.**

"(a) COORDINATION GRANTS TO STATES; ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—With respect to mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as 'control programs'), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of—

"(A) coordinating control programs in the State involved; and

"(B) assisting such State in making grants to political subdivisions of the State to conduct assessments to determine the immediate needs in such subdivisions for control programs, and to develop, on the basis of such assessments, plans for carrying out control programs in the subdivisions.

"(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence, prevalence, or high risk of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

"(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

"(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (b)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

"(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs;

"(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous;

"(D) the State agrees that the State will make grants to political subdivisions as described in paragraph (1)(B), and that such a grant will not exceed \$10,000; and

"(E) the State agrees that the grant will be used to supplement, and not supplant, State

and local funds available for the purpose described in paragraph (1).

"(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

"(A) describes the activities of the State under the grant; and

"(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (b)(5) from such subdivisions.

"(5) NUMBER OF GRANTS.—A State may not receive more than one grant under paragraph (1).

"(b) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States or consortia of political subdivisions of States, for the operation of control programs.

"(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to a political subdivision or consortium of political subdivisions that—

"(A) has—

"(i) a history of elevated incidence or prevalence of mosquito-borne disease;

"(ii) a population of infected mosquitoes; or

"(iii) met criteria determined by the Secretary to suggest an increased risk of elevated incidence or prevalence of mosquito-borne disease in the pending fiscal year;

"(B) demonstrates to the Secretary that such political subdivision or consortium of political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions;

"(C) demonstrates to the Secretary (directly or through State officials) that the State in which such a political subdivision or consortium of political subdivisions is located has identified or will identify geographic areas in such State that have a significant need for control programs and will effectively coordinate such programs in such areas; and

"(D) is located in a State that has received a grant under subsection (a).

"(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved—

"(A) has conducted an assessment to determine the immediate needs in such subdivision or consortium for a control program, including an entomological survey of potential mosquito breeding areas; and

"(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

"(4) REQUIREMENT OF MATCHING FUNDS.—

"(A) IN GENERAL.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision or consortium of political subdivisions, a grant under such paragraph may be made only if the subdivision or consortium agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 1/3 of such costs (\$1 for each \$2 of Federal funds provided in the grant).

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required

in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver.

"(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision or consortium will submit to the Secretary, and to the State within which the subdivision or consortium is located, a report that describes the control program and contains an evaluation of whether the program was effective.

"(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—

"(A) AMOUNT OF GRANT.—

"(i) SINGLE POLITICAL SUBDIVISION.—A grant under paragraph (1) awarded to a political subdivision for a fiscal year may not exceed \$100,000.

"(ii) CONSORTIUM.—A grant under paragraph (1) awarded to a consortium of 2 or more political subdivisions may not exceed \$110,000 for each political subdivision. A consortium is not required to provide matching funds under paragraph (4) for any amounts received by such consortium in excess of amounts each political subdivision would have received separately.

"(iii) WAIVER OF REQUIREMENT.—A grant may exceed the maximum amount in clause (i) or (ii) if the Secretary determines that the geographical area covered by a political subdivision or consortium awarded a grant under paragraph (1) has an extreme need due to the size or density of—

"(I) the human population in such geographical area; or

"(II) the mosquito population in such geographical area.

"(B) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).

"(c) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) TECHNICAL ASSISTANCE.—Amounts appropriated under subsection (f) may be used by the Secretary to provide training and technical assistance with respect to the planning, development, and operation of assessments and plans under subsection (a) and control programs under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

"(e) DEFINITION OF POLITICAL SUBDIVISION.—In this section, the term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized

to be appropriated \$100,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

“(2) PUBLIC HEALTH EMERGENCIES.—In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under paragraph (1) is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

“(3) FISCAL YEAR 2004 APPROPRIATIONS.—For fiscal year 2004, 50 percent or more of the funds appropriated under paragraph (1) shall be used to award grants to political subdivisions or consortia of political subdivisions under subsection (b).”.

### SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

#### “METHODS OF CONTROLLING CERTAIN INSECT AND VERMIN POPULATIONS

“SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling insect and vermin populations that transmit to humans diseases that have significant adverse health consequences.”.

### SEC. 4. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with the Administrator of the Environmental Protection Agency shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the following:

(1) A description of the status of the development of protocols for ensuring the safety of the blood supply of the United States with respect to West Nile Virus, including—

(A) the status of the development of screening mechanisms;

(B) changes in donor screening protocols; and

(C) the implementation of surveillance systems for the transmission of the virus via the blood supply.

(2) Recommendations for improvements to be made to the safety of the blood supply based on the development of protocols pursuant to paragraph (1), including the need for expedited review of screening mechanisms or other protocols.

(3) The benefits and risks of the spraying of insecticides as a public health intervention, including recommendations and guidelines for such spraying.

(4) The overall role of public health pesticides and the development of standards for the use of such pesticides compared to the standards when such pesticides are used for agricultural purposes.

Mr. TAUZIN. Mr. Speaker, I am pleased that the House is considering, hopefully for the final time, the Mosquito Abatement for Safety and Health Act (MASH).

Last summer, West Nile infected over 40 states in the nation. This record epidemic led to the deaths of 274 people and made seriously ill more than 4,000. While much of the press has focused on Severe Acute Respiratory Syndrome (SARS), it is important to point out that last year West Nile Virus led to more American deaths than the total caseload of SARS in this country. West Nile Virus is clearly an infectious disease that must be addressed in a coordinated fashion.

The House has passed the Mosquito Abatement for Safety and Health Act twice in the past year. I am pleased to announce that we have reached agreement with our Senate counterparts and are now planning to move forward legislation that is substantively the same as the MASH Act approved by the House in March, with of course, minor, but nonetheless improvements to the House bill.

The bill we are considering today will complement the work the CDC already has underway. The MASH Act provides authority to the Secretary of Health and Human Services to make grants to states for the purpose of coordinating mosquito control programs, including assessment and mosquito control planning grants to political subdivisions. In addition to State grants, the MASH Act authorizes the CDC to award grants to political subdivisions of states for the operation of mosquito control programs.

The rapid outbreak of West Nile virus across America—which is fast outpacing the predictions of many scientists—has made it very difficult for our communities to adequately respond. The additional federal dollars we authorize through this legislation will assist states and localities with their immediate needs to combat West Nile virus. Notably, this legislation recognizes the importance of keeping mosquito control programs running at the local level, where they have historically operated. The bill also gives additional support to the CDC so it may provide training and technical assistance in the planning, development, and operation of mosquito control programs.

I would also like to personally thank my colleagues, Representative CHRIS JOHN, for the leadership he has shown in advancing this legislation. I would also like to thank Senators GREGG, FRIST, BREAU, LANDRIEU, and KENNEDY and their staff for the extensive time they dedicated to this issue.

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. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2854 and S. 1015, the two bills just passed.

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

There was no objection.

### VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

#### CONFERENCE REPORT (H. REPT. 108-240)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Findings.

#### TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

##### Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Federal Aviation Administration operations.
- Sec. 104. Funding for aviation programs.
- Sec. 105. Agreements for operation of airport facilities.
- Sec. 106. Insurance.

##### Subtitle B—Passenger Facility Fees

- Sec. 121. Low-emission airport vehicles and ground support equipment.
- Sec. 122. Use of fees to pay debt service.
- Sec. 123. Streamlining of the passenger facility fee program.
- Sec. 124. Financial management of passenger facility fees.

##### Subtitle C—AIP Modifications

- Sec. 141. Airfield pavement.
- Sec. 142. Replacement of baggage conveyor systems.
- Sec. 143. Authority to use certain funds for airport security programs and activities.
- Sec. 144. Grant assurances.
- Sec. 145. Clarification of allowable project costs.
- Sec. 146. Apportionments to primary airports.
- Sec. 147. Cargo airports.
- Sec. 148. Considerations in making discretionary grants.
- Sec. 149. Flexible funding for nonprimary airport apportionments.
- Sec. 150. Use of apportioned amounts.
- Sec. 151. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
- Sec. 152. Pilot program for purchase of airport development rights.
- Sec. 153. Military airport program.
- Sec. 154. Airport safety data collection.
- Sec. 155. Airport privatization pilot program.
- Sec. 156. Innovative financing techniques.
- Sec. 157. Airport security program.
- Sec. 158. Emission credits for air quality projects.
- Sec. 159. Low-emission airport vehicles and infrastructure.
- Sec. 160. Compatible land use planning and projects by State and local governments.
- Sec. 161. Temporary increase in Government share of certain AIP project costs.
- Sec. 163. Federal share for private ownership of airports.
- Sec. 164. Disposition of land acquired for noise compatibility purposes.
- Sec. 165. Hangar construction grant assurance.
- Sec. 166. Terminal development costs.

## Subtitle D—Miscellaneous

- Sec. 181. Design-build contracting.  
 Sec. 182. Pilot program for innovative financing of air traffic control equipment.  
 Sec. 183. Cost sharing of air traffic modernization projects.  
 Sec. 184. Facilities and equipment reports.  
 Sec. 185. Civil penalty for permanent closure of an airport without providing sufficient notice.  
 Sec. 186. Midway Island airport.  
 Sec. 187. Intermodal planning.  
 Sec. 188. Marshall Islands, Micronesia, and Palau.  
 Sec. 189. Limitation on approval of certain programs.  
 Sec. 190. Conveyance of airport.

## TITLE II—FAA ORGANIZATION

## Subtitle A—FAA Reform

- Sec. 201. Management advisory committee members.  
 Sec. 202. Reorganization of the air traffic services subcommittee.  
 Sec. 203. Clarification of the responsibilities of the Chief Operating Officer.  
 Sec. 204. Deputy Administrator.

## Subtitle B—Miscellaneous

- Sec. 221. Controller staffing.  
 Sec. 222. Whistleblower protection under acquisition management system.  
 Sec. 223. FAA purchase cards.  
 Sec. 224. Procurement.  
 Sec. 225. Definitions.  
 Sec. 226. Air traffic controller retirement.  
 Sec. 227. Design organization certificates.  
 Sec. 228. Judicial review.  
 Sec. 229. Overflight fees.  
 Sec. 230. Prohibition on air traffic control privatization.  
 Sec. 231. Definition of air traffic controller.

## TITLE III—ENVIRONMENTAL PROCESS

## Subtitle A—Aviation Development Streamlining

- Sec. 301. Short title.  
 Sec. 302. Findings.  
 Sec. 303. Airport capacity enhancement.  
 Sec. 304. Aviation project streamlining.  
 Sec. 305. Elimination of duplicative requirements.  
 Sec. 306. Construction of certain airport capacity projects.  
 Sec. 307. Issuance of orders.  
 Sec. 308. Limitations.  
 Sec. 309. Relationship to other requirements.

## Subtitle B—Miscellaneous

- Sec. 321. Report on long term environmental improvements.  
 Sec. 322. Noise disclosure.  
 Sec. 323. Overflights of national parks.  
 Sec. 324. Noise exposure maps.  
 Sec. 325. Implementation of Chapter 4 noise standards.  
 Sec. 326. Reduction of noise and emissions from civilian aircraft.  
 Sec. 327. Special rule for airport in Illinois.

## TITLE IV—AIRLINE SERVICE IMPROVEMENTS

## Subtitle A—Small Community Air Service

- Sec. 401. Exemption from hold-in requirements.  
 Sec. 402. Adjustments to account for significantly increased costs.  
 Sec. 403. Joint proposals.  
 Sec. 404. Essential air service authorization.  
 Sec. 405. Community and regional choice programs.  
 Sec. 406. Code-sharing pilot program.  
 Sec. 407. Tracking service.  
 Sec. 408. EAS local participation program.  
 Sec. 409. Measurement of highway miles for purposes of determining eligibility of essential air service subsidies.  
 Sec. 410. Incentive program.  
 Sec. 411. National Commission on Small Community Air Service.  
 Sec. 412. Small community air service.

## Subtitle B—Miscellaneous

- Sec. 421. Data on incidents and complaints involving passenger and baggage security screening.  
 Sec. 422. Delay reduction actions.  
 Sec. 423. Collaborative decisionmaking pilot program.  
 Sec. 424. Competition disclosure requirement for large and medium hub airports.  
 Sec. 425. Slot exemptions at Ronald Reagan Washington National Airport.  
 Sec. 426. Definition of commuter aircraft.  
 Sec. 427. Airfares for members of the Armed Forces.  
 Sec. 428. Air carriers required to honor tickets for suspended service.

## TITLE V—AVIATION SAFETY

- Sec. 501. Counterfeit or fraudulently represented parts violations.  
 Sec. 502. Runway safety standards.  
 Sec. 503. Civil penalties.  
 Sec. 504. Improvement of curriculum standards for aviation maintenance technicians.  
 Sec. 505. Assessment of wake turbulence research and development program.  
 Sec. 506. FAA inspector training.  
 Sec. 507. Air transportation oversight system plan.

## TITLE VI—AVIATION SECURITY

- Sec. 601. Certificate actions in response to a security threat.  
 Sec. 602. Justification for air defense identification zone.  
 Sec. 603. Crew training.  
 Sec. 604. Study of effectiveness of transportation security system.  
 Sec. 605. Airport security improvement projects.  
 Sec. 606. Charter security.  
 Sec. 607. CAPPS2.  
 Sec. 608. Report on passenger prescreening program.  
 Sec. 609. Arming cargo pilots against terrorism.  
 Sec. 610. Removal of cap on TSA staffing level.  
 Sec. 611. Foreign repair stations.  
 Sec. 612. Flight training.  
 Sec. 613. Deployment of screeners at Kenai, Homer, and Valdez, Alaska.

## TITLE VII—AVIATION RESEARCH

- Sec. 701. Authorization of appropriations.  
 Sec. 702. Federal Aviation Administration Science and Technology Scholarship Program.  
 Sec. 703. National Aeronautics and Space Administration Science and Technology Scholarship Program.  
 Sec. 704. Research program to improve airfield pavements.  
 Sec. 705. Ensuring appropriate standards for airfield pavements.  
 Sec. 706. Development of analytical tools and certification methods.  
 Sec. 707. Research on aviation training.  
 Sec. 708. FAA Center for Excellence for applied research and training in the use of advanced materials in transport aircraft.  
 Sec. 709. Air Transportation System Joint Planning and Development Office.  
 Sec. 710. Next Generation Air Transportation Senior Policy Committee.  
 Sec. 711. Rotorcraft Research and Development Initiative.  
 Sec. 712. Airport Cooperative Research Program.

## TITLE VIII—MISCELLANEOUS

- Sec. 801. Definitions.  
 Sec. 802. Report on aviation safety reporting system.  
 Sec. 803. Anchorage air traffic control.  
 Sec. 804. Extension of Metropolitan Washington Airports Authority.  
 Sec. 805. Improvement of aviation information collection.  
 Sec. 806. Government-financed air transportation.

- Sec. 807. Air carrier citizenship.  
 Sec. 808. United States presence in global air cargo industry.  
 Sec. 809. Availability of aircraft accident site information.  
 Sec. 810. Notice concerning aircraft assembly.  
 Sec. 811. Type certificates.  
 Sec. 812. Reciprocal airworthiness certification.  
 Sec. 813. International role of the FAA.  
 Sec. 814. Flight attendant certification.  
 Sec. 815. Air quality in aircraft cabins.  
 Sec. 816. Recommendations concerning travel agents.  
 Sec. 817. Reimbursement for losses incurred by general aviation entities.  
 Sec. 818. International air show.  
 Sec. 819. Report on certain market developments and government policies.  
 Sec. 820. International air transportation.  
 Sec. 821. Reimbursement of air carriers for certain screening and related activities.  
 Sec. 822. Charter airlines.  
 Sec. 823. General aviation flights at Ronald Reagan Washington National Airport.  
 Sec. 824. Review of air carrier compensation.  
 Sec. 825. Noise control plan for certain airports.  
 Sec. 826. GAO report on airlines actions to improve finances and on executive compensation.  
 Sec. 827. Private air carriage in Alaska.  
 Sec. 828. Report on waivers of preference for buying goods produced in the United States.  
 Sec. 829. Navigation fees.

## TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 901. Extension of expenditure authority.  
 Sec. 902. Technical correction to flight segment.

**SEC. 2. AMENDMENTS TO 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. APPLICABILITY.**

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

**SEC. 4. FINDINGS.**

Congress finds the following:

(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

(3) The total impact of civil aviation on the United States economy exceeds \$900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation's highly skilled, technologically qualified work force.

(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

(6) Revitalization and coordination of the United States efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

(7) A recent report by the Commission on the Future of the United States Aerospace Industry

outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that—

(A) aerospace will be at the core of the Nation's leadership and strength throughout the 21st century;

(B) aerospace will play an integral role in the Nation's economy, security, and mobility; and

(C) global leadership in aerospace is a national imperative.

(8) Despite the downturn in the global economy, projections of the Federal Aviation Administration indicate that upwards of 1,000,000,000 people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(9) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

## TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

### Subtitle A—Funding of FAA Programs

#### SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking “The total” and inserting “(a) IN GENERAL.—The total”; and

(2) in subsection (a) (as so designated)—

(A) by striking “September 30, 1998” and inserting “September 30, 2003”; and

(B) by striking paragraphs (1) through (5) and inserting the following:

“(1) \$3,400,000,000 for fiscal year 2004;

“(2) \$3,500,000,000 for fiscal year 2005;

“(3) \$3,600,000,000 for fiscal year 2006; and

“(4) \$3,700,000,000 for fiscal year 2007.”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “September 30, 2003” and inserting “September 30, 2007”.

#### SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

“(1) \$3,138,000,000 for fiscal year 2004;

“(2) \$2,993,000,000 for fiscal year 2005;

“(3) \$3,053,000,000 for fiscal year 2006; and

“(4) \$3,110,000,000 for fiscal year 2007.”;

(2) by striking subsections (b), (d), and (e) and redesignating subsection (c) as subsection (b);

(3) by inserting after subsection (b) (as so redesignated) the following:

“(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

“(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used for the development and analysis of wake vortex advisory systems.

“(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 to 2007 may be used to establish a program for the installation of a precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and other such approach aids and is certified or approved by the Administrator.”;

(4) in subsection (f)—

(A) by striking “for fiscal years beginning after September 30, 2000”; and

(B) by inserting “may be used” after “necessary”; and

(5) by adding at the end the following:

“(h) STANDBY POWER EFFICIENCY PROGRAM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used by the Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, to establish a program to improve the efficiency, cost effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.

“(i) PILOT PROGRAM TO PROVIDE INCENTIVES FOR DEVELOPMENT OF NEW TECHNOLOGIES.—Of amounts appropriated under subsection (a), \$500,000 for fiscal year 2004 may be used for the conduct of a pilot program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of take-offs and landings.”.

#### SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended to read as follows:

“(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

“(A) \$7,591,000,000 for fiscal year 2004;

“(B) \$7,732,000,000 for fiscal year 2005;

“(C) \$7,889,000,000 for fiscal year 2006; and

“(D) \$8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.”.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A) and (B) and subparagraphs (F) through (I);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking “fiscal years 2000 through 2003” and inserting “fiscal years 2004 through 2007”; and

(4) by adding after subparagraph (C) (as so redesignated) the following:

“(D) Such sums as may be necessary for fiscal years 2004 through 2007 for the Center for Management Development of the Federal Aviation Administration to operate training courses and to support associated student travel for both residential and field courses.

“(E) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

“(F) Such sums as may be necessary for fiscal years 2004 through 2007 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

“(G) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out the Aviation Safety Reporting System.”.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), \$3,971,000 for fiscal year 2004, \$4,045,000 for fiscal year 2005, \$4,127,000 for fiscal year 2006, and \$4,219,000 for fiscal year 2007 to gather aviation data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

#### SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

##### “§48114. Funding for aviation programs

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

“(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2007 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

“(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

“(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2007, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) TOTAL BUDGET RESOURCES.—The term ‘total budget resources’ means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

“(A) 69–8106–0–7–402 (Grants in Aid for Airports).

“(B) 69–8107–0–7–402 (Facilities and Equipment).

“(C) 69–8108–0–7–402 (Research and Development).

“(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

“(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ‘level of receipts plus interest’ means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

“(c) ENFORCEMENT OF GUARANTEES.—

“(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

“(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2007 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

“48114. Funding for aviation programs.”.

(c) REPEAL.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is repealed.

#### SEC. 105. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.

Section 47124 is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **GOVERNMENT RELIEF FROM LIABILITY.**—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.”;

(2) by striking subsection (b)(2) and inserting the following:

“(2) The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.”;

(3) subsection (b)(3)—

(A) in the paragraph heading by striking “PILOT”;

(B) by striking “pilot” each place it appears; and

(C) in subparagraph (E) by striking “\$6,000,000 per fiscal year” and inserting “\$6,500,000 for fiscal 2004, \$7,000,000 for fiscal year 2005, \$7,500,000 for fiscal year 2006, and \$8,000,000 for fiscal year 2007”; and

(4) in subsection (b)(4)(C) by striking “\$1,100,000.” and inserting “\$1,500,000.”.

#### SEC. 106. INSURANCE.

(a) **AIRCRAFT MANUFACTURERS.**—

(1) **IN GENERAL.**—Section 44302 is amended by adding at the end the following:

“(g) **AIRCRAFT MANUFACTURERS.**—

“(1) **IN GENERAL.**—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

“(2) **AMOUNT.**—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or \$50,000,000.

“(3) **TERMS AND CONDITIONS.**—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.”.

(2) **DEFINITION OF AIRCRAFT MANUFACTURER.**—Section 44301 is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ‘aircraft manufacturer’ means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.”.

(3) **COVERAGE.**—Section 44303(a) is amended—

(A) in the subsection heading by striking “IN GENERAL” and inserting “IN GENERAL.”; and

(B) by adding at the end the following:

“(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.”.

(b) **AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.**—Section 44303(b) is amended by adding at the end the following: “The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.”.

(c) **PREMIUMS AND LIMITATIONS ON COVERAGE AND CLAIMS.**—Section 44306(b) is amended by striking “air” and inserting “insurance”.

(d) **ENDING EFFECTIVE DATE.**—Section 44310 is amended by striking “December 31, 2004” and inserting “March 30, 2008”.

(e) **TECHNICAL CORRECTION.**—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking “to carry out foreign policy” and inserting “to carry out the foreign policy”.

#### Subtitle B—Passenger Facility Fees

#### SEC. 121. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) **IN GENERAL.**—Section 40117(a)(3) is amended by inserting at the end the following:

“(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.”.

(b) **MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.**—Section 40117(b) is amended by adding at the end the following:

“(5) **MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.**—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.”.

(c) **GROUND SUPPORT EQUIPMENT DEFINED.**—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **GROUND SUPPORT EQUIPMENT.**—The term ‘ground support equipment’ means service and maintenance equipment used at an airport to support aeronautical operations and related activities.”.

(d) **GUIDANCE.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance determining eligibility of projects, and how benefits to air quality must be demonstrated, under the amendments made by this section.

#### SEC. 122. USE OF FEES TO PAY DEBT SERVICE.

Sections 40117(b) is further amended by adding at the end the following:

“(6) **DEBT SERVICE FOR CERTAIN PROJECTS.**—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.”.

#### SEC. 123. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) **APPLICATION REQUIREMENTS.**—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

“(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

“(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term ‘significant business interest’ means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.”;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

“(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

“(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies that may be affected. The public notice may include—

“(i) publication in local newspapers of general circulation;

“(ii) publication in other local media; and

“(iii) posting the notice on the agency’s Internet website.

“(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

“(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).”; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking “shall” and inserting “may”.

(b) **PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.**—Section 40117 is amended by adding at the end the following:

“(1) **PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.**—

“(1) **IN GENERAL.**—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

“(2) **NOTICE AND OPPORTUNITY FOR CONSULTATION.**—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

“(3) **NOTICE OF INTENTION.**—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. The notice shall include—

“(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

“(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

“(C) the level of the passenger facility fee that is proposed.

“(4) **ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.**—The Secretary shall acknowledge receipt of the notice and indicate

any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

"(5) **AUTHORITY TO IMPOSE FEE.**—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

"(6) **REGULATIONS.**—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

"(7) **SUNSET.**—This subsection shall cease to be effective beginning on the date that is 3 years after the date of issuance of regulations to carry out this subsection.

"(8) **ACKNOWLEDGEMENT NOT AN ORDER.**—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110."

(c) **CLARIFICATION OF APPLICABILITY OF PFC'S TO MILITARY CHARTERS.**—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(4) by adding after subparagraph (E) the following:

"(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense."

(d) **TECHNICAL AMENDMENTS.**—Section 40117(a)(3)(C) is amended—

(1) by striking "for costs" and inserting "A project for costs"; and

(2) by striking the semicolon and inserting a period.

(e) **ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.**—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration, consistent with current law, with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

**SEC. 124. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.**

Section 40117 is further amended by adding at the end the following:

"(m) **FINANCIAL MANAGEMENT OF FEES.**—

"(1) **HANDLING OF FEES.**—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for fees collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

"(2) **TRUST FUND STATUS.**—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

"(3) **PROHIBITION.**—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

"(4) **COMPENSATION TO ELIGIBLE ENTITIES.**—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

"(5) **INTEREST ON AMOUNTS.**—A covered air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility

fee accounts if the accounts are established and maintained in compliance with this subsection.

"(6) **EXISTING REGULATIONS.**—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall not apply to a covered air carrier.

"(7) **COVERED AIR CARRIER DEFINED.**—In this section, the term "covered air carrier" means an air carrier that files for chapter 7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection."

**Subtitle C—AIP Modifications**

**SEC. 141. AIRFIELD PAVEMENT.**

Section 47102(3)(H) is amended by inserting "nonhub airports and" before "airports that are not primary airports".

**SEC. 142. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.**

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: "; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114."

**SEC. 143. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.**

Section 308 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 44901 note; 110 Stat. 3253), and the item relating to such section in the table of contents contained in section 1(b) of that Act, are repealed.

**SEC. 144. GRANT ASSURANCES.**

(a) **STATUTE OF LIMITATIONS.**—Section 47107(l)(5)(A) is amended by inserting "or any other governmental entity" after "sponsor".

(b) **AUDIT CERTIFICATION.**—Section 47107(m) is amended—

(1) in paragraph (1) by striking "promulgate regulations that" and inserting "include a provision in the compliance supplement provisions to";

(2) in paragraph (1) by striking "and opinion of the review"; and

(3) by striking paragraph (3).

**SEC. 145. CLARIFICATION OF ALLOWABLE PROJECT COSTS.**

Section 47110(b)(1) is amended by inserting before the semicolon at the end "and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type".

**SEC. 146. APPORTIONMENTS TO PRIMARY AIRPORTS.**

(a) **IN GENERAL.**—Section 47114(c)(1) is amended by adding at the end the following:

"(F) **SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.**—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

"(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;

"(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

"(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001."

(b) **SPECIAL RULE FOR TRANSITIONING AIRPORTS.**—Section 47114(f)(3) is amended—

(1) in the paragraph heading by striking "AIRPORTS" and inserting "AIRPORTS"; and

(2) in subparagraph (B) by striking "fiscal years 2000 through 2003" and inserting "fiscal year 2004".

**SEC. 147. CARGO AIRPORTS.**

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking "ONLY"; and

(2) in subparagraph (A) by striking "3 percent" and inserting "3.5 percent".

**SEC. 148. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.**

Section 47115(d) is amended to read as follows:

"(d) **CONSIDERATIONS.**—  
 "(1) **FOR CAPACITY ENHANCEMENT PROJECTS.**—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

"(A) the effect that the project will have on overall national transportation system capacity;

"(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

"(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

"(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

"(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

"(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport."

"(2) **FOR ALL PROJECTS.**—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

"(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

"(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later."

**SEC. 149. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.**

(a) **PROJECT GRANT AGREEMENTS.**—Section 47108(a) is amended by inserting "or 47114(d)(3)(A)" after "under section 47114(c)".

(b) **ALLOWABLE PROJECT COSTS.**—Section 47110 is amended—

(1) in subsection (b)(2)(C) by striking "of this title" and inserting "or section 47114(d)(3)(A)";

(2) in subsection (g)—

(A) by inserting "or section 47114(d)(3)(A)" after "of section 47114(c)"; and

(B) by striking "of project" and inserting "of the project"; and

(3) by adding at the end the following:

"(h) **NONPRIMARY AIRPORTS.**—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport."

(c) **WAIVER.**—Section 47117(c)(2) is amended to read as follows:

"(2) **WAIVER.**—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary."

(d) **TERMINAL DEVELOPMENT COSTS.**—Section 47119(b) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; or”; and

(3) by adding at the end the following:

“(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).”

**SEC. 150. USE OF APPORTIONED AMOUNTS.**

The first sentence of section 47117(b) is amended by striking “primary airport” and all that follows through “calendar year” and inserting “nonhub airport or any airport that is not a commercial service airport”.

**SEC. 151. INCREASE IN APPORTIONMENT FOR, AND FLEXIBILITY OF, NOISE COMPATIBILITY PLANNING PROGRAMS.**

Section 47117(e)(1)(A) is amended—

(1) by striking “At least 34 percent” and inserting “At least 35 percent”; and

(2) by striking “of this title and” and inserting a comma;

(3) by striking “of this title.” and inserting “, for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)”; and

(4) by striking “34 percent requirement” and inserting “35 percent requirement”.

**SEC. 152. PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.**

(a) IN GENERAL.—Chapter 471 is amended by adding at the end the following:

**“§47138. Pilot program for purchase of airport development rights**

“(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

“(b) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

“(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

“(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

“(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

“(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

“(1) grant application and approval procedures; and

“(2) requirements for the content of the instrument recording the purchase of the development rights.

“(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

“(e) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47137 the following:

“47138. Pilot program for purchase of airport development rights”.

**SEC. 153. MILITARY AIRPORT PROGRAM.**

Section 47118 is amended—

(1) in subsection (e) by striking “Not more than \$7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available” and inserting “From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is available”; and

(2) in subsection (f)—

(A) by striking “Not more than a total of \$7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available” and inserting the following:

“(1) CONSTRUCTION.—From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is available”; and

(2) by adding at the end the following:

“(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).”.

**SEC. 154. AIRPORT SAFETY DATA COLLECTION.**

Section 47130 is amended to read as follows:

**“§47130. Airport safety data collection**

“Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government’s share of the cost of the data collection shall be 100 percent.”.

**SEC. 155. AIRPORT PRIVATIZATION PILOT PROGRAM.**

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(i) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

“(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and non-scheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

“(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.”;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor’s application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor’s application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not affect any application submitted before the date of enactment of this Act.

**SEC. 156. INNOVATIVE FINANCING TECHNIQUES.**

(a) ELIGIBLE PROJECTS.—The first sentence of section 47135(a) is amended by inserting after “approve” the following: “, after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act.”.

**SEC. 157. AIRPORT SECURITY PROGRAM.**

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.”.

**SEC. 158. EMISSION CREDITS FOR AIR QUALITY PROJECTS.**

(a) EMISSIONS CREDIT.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**“§47139. Emission credits for air quality projects**

“(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(F), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following conditions:

“(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

“(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency’s new source review program for projects on the airport or associated with the airport.

“(3) Credits are calculated and provided to airports on a consistent basis nationwide.

“(4) Credits are provided to airport sponsors in a timely manner.

“(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

“(b) ASSURANCE OF RECEIPT OF CREDITS.—As a condition for making a grant for a project described in section 47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

“(c) PREVIOUSLY APPROVED PROJECTS.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).

“(d) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47138 the following:

“47139. Emission credits for air quality projects.”.

**SEC. 159. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.**

(a) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**“§47140. Airport ground support equipment emissions retrofit pilot program**

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

“(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

“(d) MAXIMUM AMOUNT.—Not more than \$500,000 may be expended under the pilot program at any single commercial service airport.

“(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

“(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term ‘eligible equipment’ means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47139 the following:

“47140. Airport ground support equipment emissions retrofit pilot program.”

(b) ACTIVITIES ADDED TO DEFINITION OF AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—Section 47102(3) is amended—

(A) by striking subparagraphs (J), (K), and (L) and redesignating subparagraph (M) as subparagraph (J); and

(B) by adding at the end the following:

“(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47139.

“(L) a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.”

(2) GUIDANCE.—

(A) ELIGIBLE LOW-EMISSION MODIFICATIONS AND IMPROVEMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(K) of title 49, United States Code, as added by this subsection.

(B) ELIGIBLE LOW-EMISSION VEHICLE TECHNOLOGY.—The Secretary, in consultation with the Administrator, shall issue guidance describing eligible low-emission vehicle technology, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(L) of title 49, United States Code, as added by this subsection.

(C) ALLOWABLE PROJECT COST.—Section 47110(b) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”;

(3) by adding at the end the following:

“(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low emission technology, as determined by the Secretary.”

(d) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 801 of this Act) is further amended by inserting after paragraph (10) the following:

“(11) ‘low-emission technology’ means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.”

**SEC. 160. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**“§47141. Compatible land use planning and projects by State and local governments**

“(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatibility plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

“(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

“(2) the land use plan or project meets the requirements of this section.

“(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

“(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

“(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

“(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

“(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a

grant may be made under this section for a land use plan or a project resulting from such plan to provide—

“(1) assurances satisfactory to the Secretary that the plan—

“(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional non-compatible land uses;

“(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

“(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

“(D) does not duplicate, and is not inconsistent with, the airport operator’s noise compatibility measures for the same area; and

“(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

“(2) such other assurances as the Secretary determines to be necessary to carry out this section.

“(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

“(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

“(f) SUNSET.—This section shall not be in effect after September 30, 2007.”

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

“47141. Compatible land use planning and projects by State and local governments.”

**SEC. 161. TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS.**

Notwithstanding section 47109(a) of title 49, United States Code, the Government’s share of allowable project costs for a grant made in each of fiscal years 2004 through 2007 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

**SEC. 162. SHARE OF AIRPORT PROJECT COSTS.**

(a) IN GENERAL.—Section 47109 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) GRANDFATHER RULE.—

“(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government’s share of allowable costs of the

project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

“(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

“(B) the application under subsection (b), does not increase the Government’s share of allowable costs of the project.

“(2) LIMITATION.—The Government’s share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 47109 is amended by striking “Except as provided in subsection (b)”, and inserting “Except as provided in subsection (b) or subsection (c)”.

**SEC. 163. FEDERAL SHARE FOR PRIVATE OWNERSHIP OF AIRPORTS.**

Section 47109(a)(4) is amended by striking “40 percent” and inserting “70 percent”.

**SEC. 164. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.**

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: “, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program”.

**SEC. 165. HANGAR CONSTRUCTION GRANT ASSURANCE.**

Section 47107(a) is amended—

(1) by striking “and” at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting “; and”; and

(3) by adding at the end the following:

“(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner’s expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.”.

**SEC. 166. TERMINAL DEVELOPMENT COSTS.**

Section 47119(a) is amended to read as follows:

“(a) REPAYING BORROWED MONEY.—

“(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

“(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

“(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

“(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

“(B) that is a designated airport under section 47118 in fiscal year 2003; and

“(C) at which terminal development is carried out between January 2003 and August 2004, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

“(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

“(A) the sponsor submits the certification required under section 47110(d);

“(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

“(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

“(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).”.

**Subtitle D—Miscellaneous**

**SEC. 181. DESIGN-BUILD CONTRACTING.**

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**“§47142. Design-build contracting**

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

“(1) the Administrator approves the application using criteria established by the Administrator;

“(2) the design-build contract is in a form that is approved by the Administrator;

“(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

“(4) use of a design-build contract will be cost effective and expedite the project;

“(5) the Administrator is satisfied that there will be no conflict of interest; and

“(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

“(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

“(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term ‘design-build contract’ means an agreement that provides for both design and construction of a project by a contractor.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47141 the following:

“47142. Design-build contracting.”.

**SEC. 182. PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT.**

(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot pro-

gram to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program’s cost effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.

**SEC. 183. COST SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.**

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

**“§44517. Program to permit cost sharing of air traffic modernization projects**

“(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation’s air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

“(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

“(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than \$5,000,000 in Federal funds under the program.

“(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project to purchase equipment or software relating to the Nation’s air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

“(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

“(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

“(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

“(2) PROJECT SPONSOR.—The term ‘project sponsor’ means any major user of the national airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

“(f) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

“(g) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:

“44517. Program to permit cost sharing of air traffic modernization projects.”

#### SEC. 184. FACILITIES AND EQUIPMENT REPORTS.

(a) BIANNUAL REPORTS.—Beginning 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

(2) any changes in the budget for such programs;

(3) the program schedule; and

(4) technical risks associated with the programs.

(b) SUNSET PROVISION.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act.

#### SEC. 185. CIVIL PENALTY FOR PERMANENT CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

“§46319. Permanent closure of an airport without providing sufficient notice

“(a) PROHIBITION.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

“(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

“(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of \$10,000 for each day that the airport remains closed without having given the notice required by this section.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

“46319. Permanent closure of an airport without providing sufficient notice.”

#### SEC. 186. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commer-

cial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretaries of Transportation, Defense, Interior, and Homeland Security shall enter into a memorandum of understanding to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO SECRETARY OF THE INTERIOR FOR MIDWAY ISLAND AIRPORT.—The Secretary of Transportation may enter into a reimbursable agreement with the Secretary of the Interior for the purpose of funding airport development, as defined in section 47102(3) of title 49, United States Code, at Midway Island Airport for fiscal years ending before October 1, 2007, from amounts available in the discretionary fund established by section 47115 of such title. The maximum obligation under the agreement for any such fiscal year shall be \$2,500,000.

#### SEC. 187. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking “and” at the end of clause (i);

(2) by adding “and” at the end of clause (ii); and

(3) by adding at the end the following:

“(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.”

#### SEC. 188. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115 is amended by adding at the end the following:

“(j) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—For fiscal years 2004 through 2007, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.”

#### SEC. 189. LIMITATION ON APPROVAL OF CERTAIN PROGRAMS.

Section 47504(b) is amended by adding at the end the following:

“(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.”

#### SEC. 190. CONVEYANCE OF AIRPORT.

(a) OFFER OF CONVEYANCE.—Subject to the requirements of this section, the Chaluka Corporation is hereby offered ownership of the surface estate in the former Nikolski Radio Relay Site on Umnak Island, Alaska, and the Aleut Corporation is hereby offered the subsurface estate of that Site, in exchange for relinquishment by the Chaluka Corporation and the Aleut Corporation of Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(b) ACCEPTANCE AND RELINQUISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall convey the land as provided in subsection

(c) if the Chaluka Corporation and the Aleut Corporation take the actions specified in paragraphs (2) and (3), respectively.

(2) CHALUKA CORPORATION.—As a condition for conveyance under subsection (c), the Chaluka Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, the Chaluka Corporation—

(A) accepts the offer under subsection (a);

(B) confirms that the area surveyed by the Bureau of Land Management for the purpose of fulfilling the Chaluka Corporation’s final entitlements under sections 12(a) and 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a) and (b)), identified as Group Survey Number 773, accurately represents the Chaluka Corporation’s final, irrevocable Alaska Native Claims Settlement Act priorities and entitlements unless any tract in Group Survey Number 773 is ultimately not conveyed as the result of an appeal; and

(C) relinquishes Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska, which will be charged against the Chaluka Corporation’s final entitlement under section 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(b)).

(3) ALEUT CORPORATION.—As a condition for the conveyance under subsection (c), the Aleut Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, accompanied by the written legal opinion of counsel as to the legal sufficiency of the Board of Directors’ action, the Aleut Corporation—

(A) accepts the offer under subsection (a); and

(B) relinquishes all rights to Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(c) REQUIREMENT TO CONVEY.—

(1) CONVEYANCE.—Notwithstanding the existence of Public Land Order 2374, upon receipt from the Chaluka Corporation and from the Aleut Corporation of their acceptances made in accordance with the requirements of subsections (b)(2) and (b)(3), respectively, of the offer under subsection (a), the Secretary of the Interior shall convey to the Chaluka Corporation the surface estate, and to the Aleut Corporation the subsurface estate, of—

(A) Phase I lands as soon as practicable; and

(B) each parcel of Phase II lands upon completion of environmental restoration of Phase II lands in accordance with applicable law.

(2) PHASE I LIABILITY LIMIT.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607), neither the Chaluka Corporation nor the Aleut Corporation shall be subject to any liability for—

(A) the presence or release of a hazardous substance, as that term is defined by section 101(14) of that Act (16 U.S.C. 9601(14)), on Phase I lands or the presence of solid waste on Phase I lands, which predates conveyance of those lands to the Chaluka Corporation and the Aleut Corporation pursuant to this section; or

(B) any release, from any of the hazardous substances or solid wastes referred to in subparagraph (A), following conveyance of Phase I lands under this section, so long as the presence of or releases from those hazardous substances or solid wastes are not the result of actions by the Chaluka Corporation or the Aleut Corporation.

(3) CONTINUED ACCESS OVER HILL AND BEACH STREETS.—The surface estate conveyed under paragraph (1) shall be subject to the public’s right of access over Hill and Beach Streets, located on Tract B of United States Survey 4904.

(d) TREATMENT AS ANCSA LANDS.—Conveyances made under subsection (c) shall be considered to be conveyances under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.),

and are subject to the provisions of that Act except sections 14(c)(3), 14(c)(4), and 17(b)(3) (43 U.S.C. 1613(c)(3), 1613(c)(4), and 1616(b)(3)).

(e) **AUTHORITY TO CONVEY CERTAIN OTHER LANDS.**—The Secretary of the Interior shall at no cost to the recipient convey ownership of—

(1) an estate in fee simple in—

(A) each of Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904 that is the subject of an Aleutian Housing Authority mutual help occupancy agreement, to the Aleutian Housing Authority; and

(B) the remainder of such Lots to the current occupants; and

(2) an estate in fee simple in the Nikolski powerhouse land, to—

(A) the Indian Reorganization Act Tribal Government for the Native Village of Nikolski, upon completion of the environmental restoration described in subsection (f), if after the restoration the powerhouse continues to be located on the Nikolski powerhouse land; or

(B) the surface estate to the Chaluka Corporation and the subsurface estate to the Aleut Corporation, if after the restoration, the Nikolski powerhouse is no longer located on the Nikolski powerhouse land. —

(f) **RESTORATION OF POWERHOUSE LAND.**—The Denali Commission, in consultation with the appropriate agency of the State of Alaska, is authorized to arrange for environmental restoration, in accordance with applicable law, of the areas on, beneath, and adjacent to the Nikolski powerhouse land that are contaminated as a result of powerhouse operations and activities.

(g) **ACCESS.**—As a condition of the conveyance of land under subsection (c), the Chaluka Corporation shall permit the United States Government, and its agents, employees, and contractors, to have unrestricted access to the airfield at Nikolski in perpetuity for site investigation, restoration, remediation, and environmental monitoring of the former Nikolski Radio Relay Site and reasonable access to that airfield, and to other land conveyed under this section, for any activity associated with management of lands owned by the United States and for other governmental purposes without cost to the Government.

(h) **SURVEY REQUIREMENTS.**—

(1) **BLM SURVEYS.**—The Bureau of Land Management is not required to conduct additional on-the-ground surveys as a result of conveyances under this section. The patent to the Chaluka Corporation may be based on retracted section lines and lotting where relinquishment under subsection (b)(2)(C) results in a change to the Chaluka Corporation's final boundaries.

(2) **MONUMENTATION.**—No additional monumentation is required to complete those final boundaries.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FEDERAL AGENCIES.**—There is authorized to be appropriated to the Department of the Interior and other appropriate agencies such sums as are necessary to carry out the provisions of this section.

(2) **POWERHOUSE LAND RESTORATION.**—There is authorized to be appropriated \$1,500,000 to reimburse the appropriate State of Alaska agency for costs required for environmental restoration of the Nikolski powerhouse land, in accordance with applicable law.

(j) **TERMINATION.**—This section shall cease to be effective if either the Chaluka Corporation or the Aleut Corporation affirmatively rejects the offer under subsection (a) or if after 180 days following the date of enactment of this Act either corporation has not taken the actions specified in subsection (b)(2) or (b)(3), respectively.

(k) **DEFINITIONS.**—In this section, the following definitions apply:

(1) The term "Aleut Corporation" means the regional corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the region in which the Native Village of Nikolski, Alaska, is located.

(2) The term "Chaluka Corporation" means the village corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Native Village of Nikolski, Alaska.

(3) The term "former Nikolski Radio Relay Site" means the portions of Tracts A, B, and C of Public Land Order 2374 that are surveyed as Tracts 37, 37A, 38, 39, and 39A of Township 83 South, Range 136 West, Seward Meridian, Alaska, and Tract B of United States Survey 4904, Alaska, except—

(A) Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904; and

(B) the Nikolski powerhouse land.

(4) The term "Nikolski powerhouse land" means the parcel of land upon which is located the power generation building for supplying power to the Native Village of Nikolski, the boundaries of which are described generally as follows: Beginning at the point at which the southerly boundary of Tract 39 of Township 83 South, Range 136 West, Seward Meridian, Alaska, intersects the easterly boundary of the road that connects the Native Village of Nikolski and the airfield at Nikolski; then meandering in a northeasterly direction along the easterly boundary of that road until the road intersects the westerly boundary of the road that connects Umnak Lake and the airfield; then meandering in a southerly direction along the western boundary of that Umnak Lake road until that western boundary intersects the southern boundary of such Tract 39; then proceeding eastward along the southern boundary of such Tract 39 to the beginning point.

(5) The term "Phase I lands" means Tract 39 of Township 83 South, Range 136 West, Seward Meridian, excluding the Nikolski powerhouse land.

(6) The term "Phase II lands" means the portion of the former Nikolski Radio Relay Site not conveyed as Phase I lands.

## TITLE II—FAA ORGANIZATION

### Subtitle A—FAA Reform

#### SEC. 201. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting "AND AIR TRAFFIC SERVICES BOARD" after "COUNCIL"; and

(2) in paragraph (2)—

(A) by striking "consist of" and all that follows through "members, who" and inserting "consist of 13 members, who";

(B) by inserting after "Senate" in subparagraph (C)(i) " ", except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation";

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting "; and"; and

(D) by striking "employees, by—" in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting "employees, by the Secretary of Transportation."

#### SEC. 202. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) **QUALIFICATIONS.**—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee."

(2) in paragraph (4)(C) by inserting "or Air Traffic Services Committee" after "Council" each place it appears;

(3) in paragraph (5) by inserting " , the Air Traffic Services Committee," after "Council";

(4) in paragraph (6)(C)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "member" and inserting "members";

(C) by striking "under paragraph (2)(E)" the first place it appears and inserting "to the Air Traffic Services Committee"; and

(D) by striking "of the members first" and all that follows through the period at the end and inserting "the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).";

(5) in paragraph (6)(D) by striking "under paragraph (2)(E)" and inserting "to the Committee";

(6) in paragraph (6)(E) by inserting "or Committee" after "Council";

(7) in paragraph (6)(F) by inserting "of the Council or Committee" after "member";

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking "Council" and inserting "Committee"; and

(B) by striking "appointed under paragraph (2)(E)";

(9) in paragraph (6)(H)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "under paragraph (2)(E)" in clause (i) and inserting "to the Committee"; and

(C) by striking "Air Traffic Services Subcommittee" and inserting "Committee";

(10) in paragraph (6)(I)(i)—

(A) by striking "appointed under paragraph (2)(E) is" and inserting "is serving as"; and

(B) by striking "Subcommittee" and inserting "Committee";

(11) in paragraph (6)(I)(ii)—

(A) by striking "appointed under paragraph (2)(E)" and inserting "who is a member of the Committee"; and

(B) by striking "Subcommittee" and inserting "Committee";

(12) in paragraph (6)(K) by inserting "or Committee" after "Council";

(13) in paragraph (6)(L) by inserting "or Committee" after "Council" each place it appears; and

(14) in paragraph (7)—

(A) by striking "SUBCOMMITTEE" in the paragraph heading and inserting "COMMITTEE";

(B) by striking subparagraph (A) and inserting the following:

"(A) **ESTABLISHMENT.**—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the "Committee")."

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

"(B) **MEMBERSHIP AND QUALIFICATIONS.**—Subject to paragraph (6)(C), the Committee shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

"(i) shall have a fiduciary responsibility to represent the public interest;

"(ii) shall be citizens of the United States; and

"(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

"(I) Management of large service organizations.

"(II) Customer service.

"(III) Management of large procurements.

"(IV) Information and communications technology.

“(V) Organizational development.

“(VI) Labor relations.

“(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

“(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) engage in another business related to aviation or aeronautics; or

“(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.”;

(E) by striking “Subcommittee” each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting “Committee”;

(F) by striking “approve” in subparagraph (E)(v)(I) (as so redesignated) and inserting “make recommendations on”;

(G) by striking “request” in subparagraph (E)(v)(II) (as so redesignated) and inserting “recommendations”;

(H) by striking “ensure that the budget request supports” in subparagraph (E)(v)(III) (as so redesignated) and inserting “base such budget recommendations on”;

(I) by striking “The Secretary shall submit” in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E);

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

“(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

“(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

“(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.”;

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking “Subcommittee” each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting “Committee”;

(L) in subparagraph (H) (as so redesignated)—

(i) by striking “Subcommittee” each place it appears and inserting “Committee”;

(ii) by striking “Administrator, the Council” each place it appears in clauses (i) and (ii) and inserting “Secretary”;

(iii) in clause (ii) by striking “(B)(i)” and inserting “(D)(i)”;

(M) by adding at the end the following:

“(I) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.”.

**SEC. 203. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.**

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking “Air Traffic Services Subcommittee of the Aviation Management Advisory Council” and inserting “Air Traffic Services Committee”;

(2) in paragraph (2)(B) by inserting “in” before “paragraph (3).”;

(3) in paragraph (3) by striking “Air Traffic Control Subcommittee of the Aviation Management Advisory Committee” and inserting “Air Traffic Services Committee”;

(4) in paragraph (4) by striking “Transportation and Congress” and inserting “Transportation, the Committee on Transportation and

Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate”;

(5) in paragraph (5)(A)—

(A) by striking “develop a” and inserting “implement the”;

(B) by striking “, including the establishment of” and inserting “in order to further”;

(6) in paragraph (5)(B)—

(A) by striking “review” and all that follows through “Administration,” and inserting “oversee the day-to-day operational functions of the Administration for air traffic control.”;

(B) by striking “and” at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting “; and”;

(D) by adding at the end the following:

“(iv) the management of cost-reimbursable contracts.”;

(7) in paragraph (5)(C)(i) by striking “prepared by the Administrator”;

(8) in paragraph (5)(C)(ii) by striking “and the Secretary of Transportation” and inserting “and the Committee”;

(9) in paragraph (5)(C)(iii)—

(A) by inserting “agency’s” before “annual”;

and

(B) by striking “developed under subparagraph (A) of this subsection.” and inserting “for air traffic control services.”.

**SEC. 204. DEPUTY ADMINISTRATOR.**

Section 106(d) is amended—

(1) by redesignating paragraphs (2) and (3) as (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.”.

**Subtitle B—Miscellaneous**

**SEC. 221. CONTROLLER STAFFING.**

(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete development of the strategy.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

**SEC. 222. WHISTLEBLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.**

Section 40110(d)(2)(C) is amended by striking “355.” and inserting “355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term ‘executive agency’ is deemed to refer to the Federal Aviation Administration.”.

**SEC. 223. FAA PURCHASE CARDS.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled “FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing As-

sets”, numbered GAO-03-405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

**SEC. 224. PROCUREMENT.**

(a) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking “, not later than January 1, 1996,”; and

(B) by striking “provides for more timely and cost-effective acquisitions of equipment and materials.” and inserting the following:

“provides for—

“(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

“(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.”;

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

“(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.”.

(b) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting “, services,” after “property”.

**SEC. 225. DEFINITIONS.**

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

“(42) ‘small hub airport’ means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.”;

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

“(36) ‘passenger boardings’—

“(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

“(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.”;

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

“(34) ‘nonhub airport’ means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.”;

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

“(31) ‘medium hub airport’ means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.”;

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

“(29) ‘large hub airport’ means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.”

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking “(as that term is defined in section 41731(a)(5))”; and

(B) in subsection (f) by striking “(as defined in section 41731(a)(3))”.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking “(as defined in section 41731)”.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

**SEC. 226. AIR TRAFFIC CONTROLLER RETIREMENT.**

(a) AIR TRAFFIC CONTROLLER DEFINED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(A) by striking “and” at the end of paragraph (27);

(B) by striking the period at the end of paragraph (28) and inserting “; and”; and

(C) by adding at the end the following:

“(29) ‘air traffic controller’ or ‘controller’ means—

“(A) a controller within the meaning of section 2109(1); and

“(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).”.

(2) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(A) by striking “and” at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting “; and”; and

(C) by adding at the end the following:

“(35) ‘air traffic controller’ or ‘controller’ means—

“(A) a controller within the meaning of section 2109(1); and

“(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).”.

(3) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(A) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: “For purposes of this subsection, the term ‘air traffic controller’ or ‘controller’ has the meaning given to it under section 8331(29)(A).”.

(B) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: “For purposes of this subsection, the term ‘air traffic controller’ or ‘controller’ has the meaning given to it under section 8401(35)(A).”.

(b) MODIFIED ANNUITY COMPUTATION RULE FOR CERTAIN AIR TRAFFIC CONTROLLERS UNDER FEES.—

(1) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively,

and by redesignating the second subsection (i) as subsection (l); and

(B) by inserting after subsection (d) the following:

“(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1<sup>1</sup>/<sub>10</sub> percent of the individual’s average pay by the years of such service.”.

(2) CONFORMING AMENDMENTS.—(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking “8415(i)” and inserting “8415(j)”.

(B) Section 8452(d)(1) of such title is amended by striking “subsection (f)” and inserting “subsection (g)”.

(C) Section 8468(b)(1)(A) of such title is amended by striking “through (g)” and inserting “through (h)”.

(D) Section 302(a) of the Federal Employees’ Retirement System Act of 1986 (5 U.S.C. 8331 note) is amended—

(i) in paragraph (1)(D)(iii)(VI), by striking “subsection (g)” and inserting “subsection (h)”;

(ii) in paragraph (9), by striking “8415(f)” and inserting “8415(g)”;

(iii) in paragraph (12)(B)(ii), by striking “through (f)” and inserting “through (g)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section—

(A) shall take effect on the 60th day after the date of enactment of this Act; and

(B) shall apply with respect to—

(i) any annuity entitlement to which is based on an individual’s separation from service occurring on or after the effective date of this section; and

(ii) any service performed by any such individual before, on, or after the effective date of this section, subject to paragraph (2).

(2) SPECIAL RULE.—

(A) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (a)(2) shall, with respect to any service described in subparagraph (B), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(i) the deductions from pay which would have been required for such service if the amendments made by subsection (a)(2) had been in effect when such service was performed, exceeds

(ii) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title with respect to such service.

An amount under this subparagraph shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(B) PRIOR SERVICE DESCRIBED.—This paragraph applies with respect to any service performed by an individual before the effective date of this section as an employee described in section 8401(35)(B) of title 5, United States Code (as amended by subsection (a)(2)).

**SEC. 227. DESIGN ORGANIZATION CERTIFICATES.**

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting “design organization certificates,” after “airman certificates.”.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representa-

tives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is amended by adding at the end the following:

“(e) DESIGN ORGANIZATION CERTIFICATES.—

“(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

“(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

“(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on certifications of compliance by a design organization when making a finding under subsection (a).

“(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.

“(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.”.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting “design organization, production certificate holder,” after “appliance.”.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking “agency” and inserting “agency, design organization certificate.”.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

“§44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates”

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

“44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.”.

**SEC. 228. JUDICIAL REVIEW.**

The first sentence of section 46110(a) is amended—

(1) by striking “safety”; and

(2) by striking under this part and inserting “in whole or in part under this part, part B, or subsection (l) or (s) of section 114”.

**SEC. 229. OVERFLIGHT FEES.**

(a) ADOPTION AND LEGALIZATION OF CERTAIN RULES.—

(1) APPLICABILITY AND EFFECT OF CERTAIN LAW.—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final

rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

(2) **ADOPTION AND LEGALIZATION.**—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

(3) **FEES TO WHICH APPLICABLE.**—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

(b) **DEFERRED COLLECTION OF FEES.**—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress responding to the issues raised by the court in *Air Transport Association of Canada v. Federal Aviation Administration and Administrator*, FAA, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

(c) **ENFORCEMENT.**—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.

**SEC. 230. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.**

(a) **IN GENERAL.**—Until October 1, 2007, the Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United State Government.

(b) **LIMITATION.**—Subsection (a) shall not apply—

(1) to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act;

(2) to any expansion of that program through new construction under subtitle VII of title 49, United States Code; or

(3) to a Federal Aviation Administration air traffic control tower (other than towers in Alaska) identified in the Report of the Department of Transportation Inspector General dated April 12, 2000, and designated "Contract Towers: Observations on the Federal Aviation Administration's Study of Expanding the Program".

**TITLE III—ENVIRONMENTAL PROCESS**

**Subtitle A—Aviation Development Streamlining**

**SEC. 301. SHORT TITLE.**

This title may be cited as "Aviation Streamlining Approval Process Act of 2003".

**SEC. 302. FINDINGS.**

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

**SEC. 303. AIRPORT CAPACITY ENHANCEMENT.**

Section 40104 is amended by adding at the end the following:

"(c) **AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.**—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47176."

**SEC. 304. AVIATION PROJECT STREAMLINING.**

(a) **IN GENERAL.**—Chapter 471 is amended by inserting after subchapter II the following:

**"SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING**

**"§47171. Expedited, coordinated environmental review process**

"(a) **AVIATION PROJECT REVIEW PROCESS.**—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects that—

"(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

"(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

"(b) **AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.**—

"(1) **AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.**—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(2) **AVIATION SAFETY AND AVIATION SECURITY PROJECTS.**—

"(A) **IN GENERAL.**—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(B) **PROJECT DESIGNATION CRITERIA.**—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

"(i) the importance or urgency of the project;

"(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

"(iv) the prospect for undue delay if the project is not designated for priority review; and

"(v) for aviation security projects, the views of the Department of Homeland Security.

"(c) **HIGH PRIORITY OF AND AGENCY PARTICIPATION IN COORDINATED REVIEWS.**—

"(1) **HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.**—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord

any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

"(2) **AGENCY PARTICIPATION.**—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

"(d) **IDENTIFICATION OF JURISDICTIONAL AGENCIES.**—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

"(e) **STATE AUTHORITY.**—Under a coordinated review process being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

"(f) **MEMORANDUM OF UNDERSTANDING.**—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

"(g) **USE OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAMS.**—

"(1) **IN GENERAL.**—The Secretary may utilize an interagency environmental impact statement team to expedite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the Secretary shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

"(2) **RESPONSIBILITY OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAM.**—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

"(h) **LEAD AGENCY RESPONSIBILITY.**—The Federal Aviation Administration shall be the lead agency for projects designated under subsection (b)(2) and airport capacity enhancement projects at congested airports and shall be responsible for defining the scope and content of

the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

“(i) EFFECT OF FAILURE TO MEET DEADLINE.—

“(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

“(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

“(j) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

“(k) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2). Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

“(l) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (j) and (k), the Secretary shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.).

“(m) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

**“§ 47172. Air traffic procedures for airport capacity enhancement projects at congested airports**

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of an airport capacity enhancement project at a congested airport that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process for the project. If the Administrator determines that noise mitigation flight procedures are consistent with safe and efficient use of the navigable airspace, the Ad-

ministrator may commit, at the request of the airport sponsor and in a manner consistent with applicable Federal law, to prescribing such procedures in any record of decision approving the project.

“(b) MODIFICATION.—Notwithstanding any commitment by the Administrator under subsection (a), the Administrator may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

**“§ 47173. Airport funding of FAA staff**

“(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

“(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

“(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(3) shall remain available until expended.

“(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002 (excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862)) for the activities described in subsection (a).

**“§ 47174. Authorization of appropriations**

“In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), \$4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

**“§ 47175. Definitions**

“In this subchapter, the following definitions apply:

“(1) AIRPORT SPONSOR.—The term ‘airport sponsor’ has the meaning given the term ‘sponsor’ under section 47102.

“(2) CONGESTED AIRPORT.—The term ‘congested airport’ means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration’s Airport Capacity Benchmark Report 2001.

“(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term ‘airport capacity enhancement project’ means—

“(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

“(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

“(4) AVIATION SAFETY PROJECT.—The term ‘aviation safety project’ means an aviation project that—

“(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

“(B) (i) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

“(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

“(5) AVIATION SECURITY PROJECT.—The term ‘aviation security project’ means a security project at an airport required by the Department of Homeland Security.

“(6) FEDERAL AGENCY.—The term ‘Federal agency’ means a department or agency of the United States Government.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

**“SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING**

“47171. Expedited, coordinated environmental review process.

“47172. Air traffic procedures for airport capacity enhancement projects at congested airports.

“47173. Airport funding of FAA staff.

“47174. Authorization of appropriations.

“47175. Definitions.”

**SEC. 305. ELIMINATION OF DUPLICATIVE REQUIREMENTS.**

Section 47106(c) is amended—

(1) by inserting “and” after the semicolon at the end of paragraph (1)(A)(iii) (as added by this Act);

(2) by striking subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) in paragraph (2)(A) by striking “stage 2” and inserting “stage 3”;

(5) by striking paragraph (4);

(6) by redesignating paragraph (5) as paragraph (4); and

(7) in paragraph (4) (as so redesignated) by striking “(1)(C)” and inserting “(1)(B)”.

**SEC. 306. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.**

Section 47504(c)(2) is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking “and” at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(4) by adding at the end the following:

“(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.”

**SEC. 307. ISSUANCE OF ORDERS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall publish the final Federal Aviation Administration Order 1050.1E, Environmental Impacts: Policies and Procedures. Not later than 180 days after the date of publication of such final order, the Secretary shall publish for public comment the revised Federal Aviation Administration Order 5050.4B, Airport Environmental Handbook.

**SEC. 308. LIMITATIONS.**

Nothing in this subtitle, including any amendment made by this title, shall preempt or interfere with—

- (1) any practice of seeking public comment;
- (2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and
- (3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

**SEC. 309. RELATIONSHIP TO OTHER REQUIREMENTS.**

The coordinated review process required under the amendments made by this subtitle shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

**Subtitle B—Miscellaneous****SEC. 321. REPORT ON LONG TERM ENVIRONMENTAL IMPROVEMENTS.**

(a) *IN GENERAL.*—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

- (1) explore new operational procedures for aircraft to achieve those goals;
- (2) identify both near term and long term options to achieve those goals;
- (3) identify infrastructure changes that would contribute to attainment of those goals;
- (4) identify emerging technologies that might contribute to attainment of those goals;
- (5) develop a research plan for application of such emerging technologies, including new combustor and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and
- (6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

(b) *REPORT.*—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary \$500,000 for fiscal year 2004 to carry out this section.

**SEC. 322. NOISE DISCLOSURE.**

(a) *NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.*—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) *PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.*—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) *NOISE EXPOSURE MAP.*—In this section, the term “noise exposure map” means a noise exposure map prepared under section 47503 of title 49, United States Code.

**SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.**

(a) *IN GENERAL.*—Section 40128 is amended—

- (1) in subsection (a)(1) by inserting “, as defined by this section,” after “lands” the first place it appears;
- (2) in subsections (b)(3)(A) and (b)(3)(B) by inserting “over a national park” after “operations”;
- (3) in subsection (b)(3)(C) by inserting “over a national park that are also” after “operations”;
- (4) in subsection (b)(3)(D) by striking “at the park” and inserting “over a national park”;
- (5) in subsection (b)(3)(E) by inserting “over a national park” after “operations” the first place it appears;
- (6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting “over a national park” after “operations”;
- (7) in subsection (f)(1) by inserting “over a national park” after “operation”;
- (8) in subsection (f)(4)(A)—

(A) by striking “commercial air tour operation” and inserting “commercial air tour operation over a national park”; and

(B) by striking “park, or over tribal lands,” and inserting “park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park).”;

(9) in subsection (f)(4)(B) by inserting “over a national park” after “operation”; and

(10) in the heading for paragraph (4) of subsection (f) by inserting “OVER A NATIONAL PARK” after “OPERATION”.

(b) *QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.*—

(1) *DEADLINE FOR RULE.*—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) *RESOLUTION OF DISPUTES.*—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quiet technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

**SEC. 324. NOISE EXPOSURE MAPS.**

Section 47503 is amended—

- (1) in subsection (a) by striking “1985,” and inserting “a forecast period that is at least 5 years in the future”; and
- (2) by striking subsection (b) and inserting the following:

“(b) *REVISED MAPS.*—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new non-compatible use or noise reduction.”.

**SEC. 325. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.**

Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

**SEC. 326. REDUCTION OF NOISE AND EMISSIONS FROM CIVILIAN AIRCRAFT.**

(a) *ESTABLISHMENT OF RESEARCH PROGRAM.*—From amounts made available under section

48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to reducing community exposure to civilian aircraft noise or emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities for developing and testing noise reduction engine technology.

(b) *DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.*—The Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Noise and Emission Research.

**SEC. 327. SPECIAL RULE FOR AIRPORT IN ILLINOIS.**

(a) *IN GENERAL.*—Nothing in this title shall be construed to preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois.

(b) *AUTHORITY OF THE GOVERNOR.*—Nothing in this title shall be construed to preempt the authority of the Governor of the State of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

**TITLE IV—AIRLINE SERVICE IMPROVEMENTS****Subtitle A—Small Community Air Service****SEC. 401. EXEMPTION FROM HOLD-IN REQUIREMENTS.**

Section 41734 is amended by adding at the end the following:

“(i) *EXEMPTION FROM HOLD-IN REQUIREMENTS.*—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving scheduled passenger air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.”.

**SEC. 402. ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.**

(a) *IN GENERAL.*—Section 41737 is amended by adding at the end the following:

“(e) *ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.*—

“(1) *IN GENERAL.*—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

“(2) *READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.*—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

“(3) *SIGNIFICANTLY INCREASED COSTS DEFINED.*—In this subsection, the term ‘significantly increased costs’ means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensation rate, based on the carrier’s internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

**SEC. 403. JOINT PROPOSALS.**

Section 41740 is amended by inserting “, including joint fares,” after “joint proposals”.

**SEC. 404. ESSENTIAL AIR SERVICE AUTHORIZATION.**

Section 41742 is amended—

(1) in subsection (a)(2)—

(A) by striking “\$15,000,000” and inserting “\$77,000,000”; and

(B) by inserting before the period at the end “of which not more than \$12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance”;

(2) by adding at the end of subsection (a) the following:

“(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.”; and

(3) by striking subsection (c) and redesignating subsection (d) as subsection (c).

**SEC. 405. COMMUNITY AND REGIONAL CHOICE PROGRAMS.**

Subchapter II of chapter 417 is amended by adding at the end the following:

**“§41745. Community and regional choice programs**

“(a) ALTERNATE ESSENTIAL AIR SERVICE PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

“(2) ASSISTANCE TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

“(3) USE OF ASSISTANCE.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

“(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

“(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

“(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

“(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

“(E) To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.

“(F) To pay for other transportation or related services that the Secretary may permit.

“(b) COMMUNITY FLEXIBILITY PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program for not more than 10 eligible places or consortia of units of local government.

“(2) ELECTION.—Under the program, the sponsor of an airport serving an eligible place may elect to forego any essential air service for which compensation is being provided under this subchapter for a 10-year period in exchange

for a grant from the Secretary equal in value to twice the compensation paid to provide such service in the most recent 12-month period.

“(3) GRANT.—Notwithstanding any other provision of law, the Secretary shall make a grant to each airport sponsor participating in the program for use on any project that—

“(A) is eligible for assistance under chapter 471 and complies with the requirements of that chapter;

“(B) is located on the airport property; or

“(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

“(c) FRACTIONALLY OWNED AIRCRAFT.—After the effective date of the rule referred to in subsection (a)(3)(E), only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (a)(3)(E) is used to provide transportation described in subsection (a)(3)(E).

“(d) APPLICATIONS.—

“(1) IN GENERAL.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

“(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

“(A) a statement of the amount of compensation or assistance required; and

“(B) a description of how the compensation or assistance will be used.

“(e) PARTICIPATION REQUIREMENTS.—An eligible place for which compensation or assistance is provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

“(f) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

“(g) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.”.

**SEC. 406. CODE-SHARING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing service with compensation under subchapter II of chapter 417 of title 49, United States Code, and major air carriers (as defined in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

(b) LIMITATION.—The Secretary may not require air carriers to participate in the pilot program under this section for more than 10 communities receiving service under subchapter II of chapter 417 of title 49, United States Code.

**SEC. 407. TRACKING SERVICE.**

Subchapter II of chapter 417 is further amended by adding at the end the following:

**“§41746. Tracking service**

“The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

“(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

“(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.”.

**SEC. 408. EAS LOCAL PARTICIPATION PROGRAM.**

(a) IN GENERAL.—Subchapter II of chapter 417 is further amended by adding at the end the following:

**“§41747. EAS local participation program**

“(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air service subsidy costs for a 4-year period.

“(b) DESIGNATION OF COMMUNITIES.—

“(1) IN GENERAL.—The Secretary may not designate any community under this section unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total traveltime between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

“(2) ONE COMMUNITY PER STATE.—The Secretary may not designate—

“(A) more than 1 community per State under this section; or

“(B) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program as part of a pilot program under section 41745.

“(c) APPEAL OF DESIGNATION.—A community may appeal its designation under this section. The Secretary may withdraw the designation of a community under this section based on—

“(1) the airport sponsor's ability to pay; or

“(2) the relative lack of financial resources in a community, based on a comparison of the median income of the community with other communities in the State.

“(d) NON-FEDERAL SHARE.—

“(1) NON-FEDERAL AMOUNTS.—For purposes of this section, the non-Federal portion of the essential air service subsidy may be derived from contributions in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, pre-purchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

“(2) APPLICATION WITH OTHER MATCHING REQUIREMENTS.—This section shall apply to the Federal share of essential air service provided this subchapter, after the application of any other non-Federal share matching requirements imposed by law.

“(e) ELIGIBILITY FOR OTHER PROGRAMS NOT AFFECTED.—Nothing in this section affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any program authorized by this subchapter. A community designated under this section may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

“(1) without regard to any limitation on the number of communities that may participate in that program; and

“(2) without reducing the number of other communities that may participate in that program.

“(f) SECRETARY TO REPORT TO CONGRESS ON IMPACT.—The Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

“(1) the economic condition of communities designated under this section before their designation;

“(2) the impact of designation under this section on such communities at the end of each of the 3 years following their designation; and

“(3) the impact of designation on air traffic patterns affecting air transportation to and

from communities designated under this section.”

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

“41745. Community and regional choice programs.

“41746. Tracking service.

“41747. EAS local participation program.”

**SEC. 409. MEASUREMENT OF HIGHWAY MILES FOR PURPOSES OF DETERMINING ELIGIBILITY OF ESSENTIAL AIR SERVICE SUBSIDIES.**

(a) REQUEST FOR SECRETARIAL REVIEW.—An eligible place (as defined in section 41731 of title 49, United States Code) with respect to which the Secretary has, in the 2-year period ending on the date of enactment of this Act, eliminated (or tentatively eliminated) compensation for essential air service to such place, or terminated (or tentatively terminated) the compensation eligibility of such place for essential air service, under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect based on the highway mileage of such place from the nearest hub airport (as defined in section 40102 of such title), may request the Secretary to review such action.

(b) DETERMINATION OF MILEAGE.—In reviewing an action under subsection (a), the highway mileage between an eligible place and the nearest medium hub airport or large hub airport is the highway mileage of the most commonly used route between the place and the medium hub airport or large hub airport. In identifying such route, the Secretary shall identify the most commonly used route for a community by—

(1) consulting with the Governor of a State or the Governor's designee; and

(2) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.

(c) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (a), the Secretary shall—

(1) determine whether the eligible place would have been subject to an elimination of compensation eligibility for essential air service, or termination of the eligibility of such place for essential air service, under the provisions of law referred to in subsection (a) based on the determination of the highway mileage of such place from the nearest medium hub airport or large hub airport under subsection (b); and

(2) issue a final order with respect to the eligibility of such place for essential air service compensation under subchapter II of chapter 417 of title 49, United States Code.

(d) LIMITATION ON PERIOD OF FINAL ORDER.—A final order issued under subsection (c) shall terminate on September 30, 2007.

**SEC. 410. INCENTIVE PROGRAM.**

(a) PURPOSES.—The purposes of this section are—

(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and

(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

(b) MARKETING PROGRAM.—Subchapter II of chapter 417 is further amended by adding at the end the following:

**“§41748. Marketing program**

“(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible places that receive subsidized

service by an air carrier under section 41733. Under the program, the sponsor of the airport serving such an eligible place may receive a grant of not more than \$50,000 in a fiscal year to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

“(b) MATCHING REQUIREMENT; SUCCESS BONUSES—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with a marketing plan to be developed and implemented under this section shall come from non-Federal sources. For purposes of this section—

“(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

“(B) matching contributions from a State or unit of local government may not be derived, directly or indirectly, from Federal funds, but the use by the State or unit of local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

“(2) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

“(3) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.”

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

“41748. Marketing program.”

**SEC. 411. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.**

(a) ESTABLISHMENT.—There is established a commission to be known as the “National Commission on Small Community Air Service” (in this section referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members of whom—

(A) 3 members shall be appointed by the Secretary;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) 1 member shall be a representative of a regional airline;

(B) 1 member shall be a representative of a small hub airport or nonhub airport (as such terms are defined in section 40102 of title 49, United States Code); and

(C) 1 member shall be a representative of a State aviation agency.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Commission.

(d) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and

(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(2) ESSENTIAL AIR SERVICE COMMUNITIES.—In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the essential air service program.

(e) RECOMMENDATIONS.—Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to—

(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (d)(2); and

(2) improve the ability of small communities to retain and enhance their existing air service.

(f) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (e).

(g) COMMISSION PANELS.—The chairperson of the Commission shall establish such panels consisting of members of the Commission as the chairperson determines appropriate to carry out the functions of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (f).

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$250,000 to be used to fund the Commission.

**SEC. 412. SMALL COMMUNITY AIR SERVICE.**

Section 41743 is amended—

(1) in the heading of subsection (a) by striking “PILOT”;

(2) in subsection (a) by striking “pilot”;

(3) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

“(3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.”;

(B) by adding at the end of paragraph (4) the following: “No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.”; and

(C) in paragraph (5)—

(i) by striking “and” at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(iii) by adding at the end the following:

“(E) the assistance will be used in a timely fashion.”;

(4) in subsection (e)(2)—

(A) by striking “and” the first place it appears and inserting a comma; and

(B) by inserting after “2003” the following “, and \$35,000,000 for each of fiscal years 2004 through 2008”; and

(5) in subsection (f) by striking “pilot”.

**Subtitle B—Miscellaneous**

**SEC. 421. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.**

Section 329 is amended by adding at the end the following:

“(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

“(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

“(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.”.

**SEC. 422. DELAY REDUCTION ACTIONS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following new section:

**“§41722. Delay reduction actions**

“(a) SCHEDULING REDUCTION MEETINGS.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if—

“(1) the Administrator determines that it is necessary to convene such a meeting; and

“(2) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

“(b) MEETING CONDITIONS.—Any meeting under subsection (a)—

“(1) shall be chaired by the Administrator;

“(2) shall be open to all scheduled air carriers; and

“(3) shall be limited to discussions involving the airports and time periods described in the Administrator’s determination.

“(c) FLIGHT REDUCTION TARGETS.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

“(d) DELAY REDUCTION OFFERS.—An air carrier attending the meeting shall make any offer to meet a flight reduction target to the Administrator rather than to another carrier.

“(e) TRANSCRIPT.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

“41721. Reports by carriers on incidents involving animals during air transport.

“41722. Delay reduction actions.”.

**SEC. 423. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.**

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

**“§40129. Collaborative decisionmaking pilot program**

“(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

“(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

“(c) GUIDELINES.—

“(1) ISSUANCE.—The Administrator, with the concurrence of the Attorney General, shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall—

“(A) define a capacity reduction event;

“(B) establish the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program; and

“(C) prescribe the methods of communication to be implemented among carriers during such an event.

“(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

“(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication. The Attorney General, or the Attorney General’s designee, may monitor such communication.

“(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 2 airports to participate in the pilot program from among the most capacity-constrained airports in the Nation based on the Administration’s Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

“(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an air-

port selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

“(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator, with the concurrence of the Attorney General, may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation, with the concurrence of the Attorney General, finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

“(h) ANTITRUST IMMUNITY.—

“(1) IN GENERAL.—Unless, within 5 days after receiving notice from the Secretary of the Secretary’s intention to exercise authority under this subsection, the Attorney General submits to the Secretary a written objection to such action, including reasons for such objection, the Secretary may exempt an air carrier’s or foreign air carrier’s activities that are necessary to participate in the pilot program under this section from the antitrust laws for the sole purpose of participating in the pilot program. Such exemption shall not extend to any discussions, agreements, or activities outside the scope of the pilot program.

“(2) ANTITRUST LAWS DEFINED.—In this section, the term ‘antitrust laws’ has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

“(i) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General regarding the design and implementation of the pilot program, including determining whether a limit should be set on the number of occasions collaborative decisionmaking could be employed during the initial 2-year period of the pilot program.

“(j) EVALUATION.—

“(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary, with the concurrence of the Attorney General, shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

“(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program’s impact.

“(k) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator, with the concurrence of the Attorney General, may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (j) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary, with the concurrence of the Attorney General, determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40129. Collaborative decisionmaking pilot program.”.

**SEC. 424. COMPETITION DISCLOSURE REQUIREMENT FOR LARGE AND MEDIUM HUB AIRPORTS.**

Section 47107 is amended by adding at the end the following:

“(5) **COMPETITION DISCLOSURE REQUIREMENT.**—

“(1) **IN GENERAL.**—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

“(2) **COMPETITIVE ACCESS.**—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

“(A) describes the requests;

“(B) provides an explanation as to why the requests could not be accommodated; and

“(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

“(3) **SUNSET PROVISION.**—This subsection shall cease to be effective beginning October 1, 2008.”.

**SEC. 425. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) **BEYOND-PERIMETER EXEMPTIONS.**—Section 47178(a) is amended by striking “12” and inserting “24”.

(b) **WITHIN-PERIMETER EXEMPTIONS.**—Section 47178(b) is amended—

(1) by striking “12” and inserting “20”; and

(2) by striking “that were designated as medium hub or smaller airports”.

(c) **LIMITATIONS.**—

(1) **GENERAL EXEMPTIONS.**—Section 47178(c)(2) is amended by striking “two” and inserting “3”.

(2) **ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.**—Section 47178(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking “four” and inserting “without regard to the criteria contained in subsection (b)(1), six”; and

(ii) by striking “and” at the end;

(B) in subparagraph (B)—

(i) by striking “eight” and inserting “ten”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) four shall be for air transportation to airports without regard to their size.”.

(d) **APPLICATION PROCEDURES.**—Section 47178(d) is amended to read as follows:

“(d) **APPLICATION PROCEDURES.**—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.”.

**SEC. 426. DEFINITION OF COMMUTER AIRCRAFT.**

(a) **IN GENERAL.**—Section 47178 is amended by adding at the end the following:

“(f) **COMMUTERS DEFINED.**—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term ‘commuters’ means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.”.

(b) **REGULATIONS.**—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by subsection (a).

**SEC. 427. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

(a) **FINDINGS.**—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on

active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

**SEC. 428. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.**

Section 145(c) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows through “after” and inserting “more than 36 months after”.

**TITLE V—AVIATION SAFETY**

**SEC. 501. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.**

Section 44726(a)(1) is amended—

(1) by striking “or” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

“(B) whose certificate is revoked under subsection (b); or”; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking “convicted of such a violation.” and inserting “described in subparagraph (A) or (B).”.

**SEC. 502. RUNWAY SAFETY STANDARDS.**

(a) **IN GENERAL.**—Chapter 447 is amended by adding at the end the following:

**“§44727. Runway safety areas**

“(a) **AIRPORTS IN ALASKA.**—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

“(b) **STUDY.**—

“(1) **IN GENERAL.**—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

“(2) **REPORT.**—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 447 is amended by adding at the end the following:

“44727. Runway safety areas.”.

**SEC. 503. CIVIL PENALTIES.**

(a) **INCREASE IN MAXIMUM CIVIL PENALTY.**—Section 46301(a) is amended—

(1) by striking “\$1,000” in paragraph (1) and inserting “\$25,000 (or \$1,100 if the person is an individual or small business concern)”;

(2) by striking “or” the last place it appears in paragraph (1)(A);

(3) by striking “section” in paragraph (1)(A) and inserting “section”, or section 47133”;

(4) by striking paragraphs (2), (3), (6), and (7) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively;

(5) by striking “41715” each place it appears in paragraph (2), as redesignated, and inserting “41719”;

(6) by striking “paragraphs (1) and (2)” in paragraph (4), as redesignated, and inserting “paragraph (1)”;

(7) by adding at the end the following:

“(5) **PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.**—

“(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than \$10,000 for violating—

“(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

“(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

“(B) A civil penalty of not more than \$10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

“(i) the transportation of hazardous material;

“(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

“(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

“(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

“(v) a violation of section 40127 or section 41705, relating to discrimination.

“(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be \$5,000 instead of \$1,000.

“(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be \$2,500 for each violation.”.

(b) **INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY.**—Section 46301(d) is amended—

(1) by striking “more than \$50,000;” in paragraph (4)(A) and inserting “more than—

“(i) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

“(ii) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

“(iii) \$50,000 if the violation was committed by an individual or small business concern on or after that date;” and

(2) by striking “is \$50,000.” in paragraph (8) and inserting “is—

“(A) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

“(B) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

“(C) \$50,000 if the violation was committed by an individual or small business concern on or after that date.”.

(c) **SMALL BUSINESS CONCERN DEFINED.**—Section 46301 is amended by adding at the end the following:

“(i) **SMALL BUSINESS CONCERN DEFINED.**—In this section, the term ‘small business concern’ has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).”.

(d) **CONFORMING AMENDMENTS.**—Title 49 is amended—

(1) in section 41705(b) by striking “46301(a)(3)(E)” and inserting “46301”; and

(2) in section 46304(a) by striking “, (2), or (3)”.

**SEC. 504. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.**

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) **ELEMENTS FOR CONSIDERATION.**—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) **CERTIFICATION.**—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(d) **COMPLETION.**—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(e) **PERIODIC REVIEWS AND UPDATES.**—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

**SEC. 505. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.**

(a) **ASSESSMENT.**—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration’s proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program’s goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) **REPORT.**—A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration \$500,000 for fiscal year 2004 to carry out this section.

**SEC. 506. FAA INSPECTOR TRAINING.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as “FAA inspectors”).

(2) **CONTENTS.**—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) **SENSE OF THE HOUSE.**—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual’s job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) **WORKLOAD OF INSPECTORS.**—

(1) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) **CONTENTS.**—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) **REPORT.**—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

**SEC. 507. AIR TRANSPORTATION OVERSIGHT SYSTEM PLAN.**

(a) **IN GENERAL.**—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule for addressing problems with the air transportation oversight system that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) **PLAN REQUIREMENTS.**—The plan transmitted by the Administrator under subsection (a) shall set forth the action the Administration will take under the plan—

(1) to develop specific, clear, and meaningful inspection guidance for the use by Administration aviation safety inspectors and analysts;

(2) to provide adequate training to Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the air transportation oversight system and to ensure that the system is implemented consistently across Administration field offices; and

(5) to extend the air transportation oversight system beyond the 10 largest air carriers, so it governs oversight of smaller air carriers as well.

**TITLE VI—AVIATION SECURITY**

**SEC. 601. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.**

(a) **IN GENERAL.**—Chapter 461 is amended by adding at the end the following:

**“§46111. Certificate actions in response to a security threat**

“(a) **ORDERS.**—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

“(b) **HEARINGS FOR CITIZENS.**—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

“(c) **HEARINGS.**—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

“(d) **APPEALS.**—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

“(e) **REVIEW.**—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

“(f) **EXPLANATION OF DECISIONS.**—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

“(g) **CLASSIFIED EVIDENCE.**—

“(1) **IN GENERAL.**—The Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the

order of the Administrator was based to the individual adversely affected by the order.

“(2) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

“(A) REVIEW.—As part of a hearing conducted under this section, if the order of the Administrator issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Under Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge *ex parte* and *in camera*.

“(B) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator under this section possess security clearances appropriate for their work under this section.

“(3) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator under subsection (a), the Under Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator is based.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

“46111. Certificate actions in response to a security threat.”.

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking “part” and inserting “subtitle”.

**SEC. 602. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.**

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred to as an “ADIZ”), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 60 days after the date of establishing the ADIZ, a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) DEFINITION.—In this section, the terms “Air Defense Identification Zone” and “ADIZ” each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

**SEC. 603. CREW TRAINING.**

Section 44918 is amended to read as follows:

**“§44918. Crew training**

“(a) BASIC SECURITY TRAINING.—

“(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

“(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

“(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

“(B) Crew communication and coordination.

“(C) The proper commands to give passengers and attackers.

“(D) Appropriate responses to defend oneself.

“(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

“(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

“(G) Situational training exercises regarding various threat conditions.

“(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

“(I) The proper conduct of a cabin search, including explosive device recognition.

“(J) Any other subject matter considered appropriate by the Under Secretary.

“(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

“(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary may establish minimum standards for the training provided under this subsection and for recurrent training.

“(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

“(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier’s training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier’s training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

“(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

“(b) ADVANCED SELF DEFENSE TRAINING.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

“(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

“(A) Deterring a passenger who might present a threat.

“(B) Advanced control, striking, and restraint techniques.

“(C) Training to defend oneself against edged or contact weapons.

“(D) Methods to subdue and restrain an attacker.

“(E) Use of available items aboard the aircraft for self-defense.

“(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

“(G) Any other element of training that the Under Secretary considers appropriate.

“(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

“(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

“(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

“(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

“(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

“(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).”.

**SEC. 604. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.**

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with representatives of the aviation community, shall study the effectiveness of the aviation security system, including the air marshal program, hardening of cockpit doors, and security screening of passengers, checked baggage, and cargo.

(b) REPORT.—The Secretary shall transmit a report of the Secretary’s findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any re-deployment of Transportation Security Administration resources based on those findings and conclusions. The Secretary may submit the report to the Committees in classified and redacted form. The Secretary shall submit the report in lieu of the annual report required under section 44938(a) of title 49, United States Code, that is due March 31, 2004.

**SEC. 605. AIRPORT SECURITY IMPROVEMENT PROJECTS.**

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

**“§44923. Airport security improvement projects**

“(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Under Secretary for Border and Transportation Security of the Department of Homeland Security may make grants to airport sponsors—

“(1) for projects to replace baggage conveyer systems related to aviation security;

“(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

“(3) for projects to enable the Under Secretary to deploy explosive detection systems behind the

ticket counter, in the baggage sorting area, or inline with the baggage handling system; and

“(4) for other airport security capital improvement projects.

“(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Under Secretary an application in such form and containing such information as the Under Secretary prescribes.

“(c) APPROVAL.—The Under Secretary, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Under Secretary determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

“(d) LETTERS OF INTENT.—

“(1) ISSUANCE.—The Under Secretary may issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

“(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Under Secretary will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Under Secretary issues the letter, carries out the project without receiving amounts under this section.

“(3) NOTICE TO UNDER SECRETARY.—A sponsor that has been issued a letter of intent under this subsection shall notify the Under Secretary of the sponsor's intent to carry out a project before the project begins.

“(4) NOTICE TO CONGRESS.—The Under Secretary shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

“(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

“(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

“(2) EXISTING LETTERS OF INTENT.—The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.

“(f) SPONSOR DEFINED.—In this section, the term ‘sponsor’ has the meaning given that term in section 47102.

“(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

“(h) AVIATION SECURITY CAPITAL FUND.—

“(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first \$250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2007 shall be available to be deposited in the Fund. The Under Secretary shall impose the fee authorized by section

44940(a)(1) so as to collect at least \$250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Under Secretary to make grants under this section.

“(2) ALLOCATIONS.—Of the amount made available under paragraph (1) for a fiscal year, \$125,000,000 shall be allocated in such a manner that—

“(A) 40 percent shall be made available for large hub airports;

“(B) 20 percent shall be made available for medium hub airports;

“(C) 15 percent shall be made available for small hub airports and nonhub airports; and

“(D) 25 percent shall be distributed by the Secretary to any airport on the basis of aviation security risks.

“(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, \$125,000,000 shall be used to make discretionary grants, with priority given to fulfilling intentions to obligate under letters of intent issued under subsection (d).

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—In addition to amounts made available under subsection (h), there is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2004 through 2007. Such sums shall remain available until expended.

“(2) ALLOCATIONS.—50 percent of amounts appropriated pursuant to this subsection for a fiscal year shall be used for making allocations under subsection (h)(2) and 50 percent of such amounts shall be used for making discretionary grants under subsection (h)(3).”

(b) CONFORMING AMENDMENTS.—

(1) USE OF PASSENGER FEE FUNDS.—Section 44940(a)(1) is amended by inserting after subparagraph (G) the following:

“(H) The costs of security-related capital improvements at airports.

“(I) The costs of training pilots and flight attendants under sections 44918 and 44921.”

(2) LIMITATION ON COLLECTION.—Section 44940(d)(4) is amended by striking “Act.” and inserting “Act or in section 44923.”

#### SEC. 606. CHARTER SECURITY.

(a) IN GENERAL.—Section 44903 is amended by adding at the end the following:

“(1) AIR CHARTER PROGRAM.—

“(1) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

“(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

“(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

“(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

“(C) ARMED FORCES DEFINED.—In this paragraph, the term ‘armed forces’ has the meaning given that term by section 101(a)(4) of title 10.”

(b) REPEAL.—Section 132 of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is repealed.

#### SEC. 607. CAPPS2.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to

as “CAPPS2”) until the Under Secretary provides to Congress a certification that—

(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.

#### SEC. 608. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS2, on the privacy and civil liberties of United States citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, nongovernmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated, and updated.

#### SEC. 609. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm or taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(b) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 is amended—

(1) in subsection (a) by striking “passenger” each place that it appears; and

(2) in subsection (k)(2) by striking “or,” and all that follows before the period at the end and inserting “or any other flight deck crew member”; and

(3) by adding at the end of subsection (k) the following:

“(3) ALL-CARGO AIR TRANSPORTATION.—In this section, the term ‘air transportation’ includes all-cargo air transportation.”

(c) TIME FOR IMPLEMENTATION.—In carrying out the amendments made by subsection (d), the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.

(d) EFFECT ON OTHER LAWS.—The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

#### SEC. 610. REMOVAL OF CAP ON TSA STAFFING LEVEL.

The matter appearing under the heading “AVIATION SECURITY” in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108-7; 117 Stat. 386) is amended by striking the fifth proviso.

#### SEC. 611. FOREIGN REPAIR STATIONS.

(a) OVERSIGHT PLAN.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, are subject to an equivalent level of safety, oversight, and quality control as those located in the United States.

(b) REPAIR STATION SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

##### “§ 44924. Repair station security

“(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Under Secretary for Border and Transportation Security of the Department of Homeland Security, in consultation with the Administrator of the Fed-

eral Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 18 months after the date on which the Under Secretary issues regulations under subsection (f).

“(b) ADDRESSING SECURITY CONCERNS.—The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator that a deficiency was identified in the security audit.

“(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

“(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Under Secretary determines that the foreign repair station does not maintain and carry out effective security measures, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator.

“(2) IMMEDIATE SECURITY RISK.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

“(3) PROCEDURES FOR APPEALS.—The Under Secretary, in consultation with the Administrator, shall establish procedures for appealing a revocation of a certificate under this subsection.

“(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 18 months after the date on which the Under Secretary issues regulations under subsection (f), the Administrator shall be barred from certifying any foreign repair station until such audits are completed for existing stations.

“(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

“(f) REGULATIONS.—Not later than 240 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

“(g) REPORT TO CONGRESS.—If the Under Secretary does not issue final regulations before the deadline specified in subsection (f), the Under Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.”

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 449 is amended by adding at the end the following:

“44924. Repair station security.”

##### SEC. 612. FLIGHT TRAINING.

(a) IN GENERAL.—Section 44939 is amended to read as follows:

##### “§ 44939. Training to operate certain aircraft

“(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation

training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

“(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

“(A) full name, including any aliases used by the applicant or variations in spelling of the applicant’s name;

“(B) passport and visa information;

“(C) country of citizenship;

“(D) date of birth;

“(E) dates of training; and

“(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

“(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

“(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

“(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual’s identification in such form as the Secretary may require.

“(d) EXPEDITED PROCESSING.—Not later than 60 days after the date of enactment of this section, the Secretary shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

“(1) holds an airman’s certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

“(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

“(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

“(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

“(e) TRAINING.—In subsection (a), the term ‘training’ means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

“(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

“(g) FEE.—

“(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed \$100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

“(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

“(B) shall remain available until expended.

“(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

“(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.”.

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

**SEC. 613. DEPLOYMENT OF SCREENERS AT KENAI, HOMER, AND VALDEZ, ALASKA.**

Not later than 45 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall deploy Federal screeners at Kenai, Homer, and Valdez, Alaska.

**TITLE VII—AVIATION RESEARCH**

**SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking “to carry out sections 44504” and inserting “for conducting civil aviation research and development under sections 44504”;

(2) by striking “and” at the end of paragraph (7);

(3) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

“(9) for fiscal year 2004, \$346,317,000, including—

“(A) \$65,000,000 for Improving Aviation Safety;

“(B) \$24,000,000 for Weather Safety Research;

“(C) \$27,500,000 for Human Factors and Aeromedical Research;

“(D) \$30,000,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

“(E) \$7,000,000 for Research Mission Support;

“(F) \$10,000,000 for the Airport Cooperative Research Program;

“(G) \$1,500,000 for carrying out subsection (h) of this section;

“(H) \$42,800,000 for Advanced Technology Development and Prototyping;

“(I) \$30,300,000 for Safe Flight 21;

“(J) \$90,800,000 for the Center for Advanced Aviation System Development;

“(K) \$9,667,000 for Airports Technology-Safety; and

“(L) \$7,750,000 for Airports Technology-Efficiency;

“(10) for fiscal year 2005, \$356,192,000, including—

“(A) \$65,705,000 for Improving Aviation Safety;

“(B) \$24,260,000 for Weather Safety Research;

“(C) \$27,800,000 for Human Factors and Aeromedical Research;

“(D) \$30,109,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

“(E) \$7,076,000 for Research Mission Support;

“(F) \$10,000,000 for the Airport Cooperative Research Program;

“(G) \$1,650,000 for carrying out subsection (h) of this section;

“(H) \$43,300,000 for Advanced Technology Development and Prototyping;

“(I) \$31,100,000 for Safe Flight 21;

“(J) \$95,400,000 for the Center for Advanced Aviation System Development;

“(K) \$2,200,000 for Free Flight Phase 2;

“(L) \$9,764,000 for Airports Technology-Safety; and

“(M) \$7,828,000 for Airports Technology-Efficiency;

“(11) for fiscal year 2006, \$352,157,000, including—

“(A) \$66,447,000 for Improving Aviation Safety;

“(B) \$24,534,000 for Weather Safety Research;

“(C) \$28,114,000 for Human Factors and Aeromedical Research;

“(D) \$30,223,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

“(E) \$7,156,000 for Research Mission Support;

“(F) \$10,000,000 for the Airport Cooperative Research Program;

“(G) \$1,815,000 for carrying out subsection (h) of this section;

“(H) \$42,200,000 for Advanced Technology Development and Prototyping;

“(I) \$23,900,000 for Safe Flight 21;

“(J) \$100,000,000 for the Center for Advanced Aviation System Development;

“(K) \$9,862,000 for Airports Technology-Safety; and

“(L) \$7,906,000 for Airports Technology-Efficiency; and

“(12) for fiscal year 2007, \$356,261,000, including—

“(A) \$67,244,000 for Improving Aviation Safety;

“(B) \$24,828,000 for Weather Safety Research;

“(C) \$28,451,000 for Human Factors and Aeromedical Research;

“(D) \$30,586,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

“(E) \$7,242,000 for Research Mission Support;

“(F) \$10,000,000 for the Airport Cooperation Research Program;

“(G) \$1,837,000 for carrying out subsection (h) of this section;

“(H) \$42,706,000 for Advanced Technology Development and Prototyping;

“(I) \$24,187,000 for Safe Flight 21;

“(J) \$101,200,000 for the Center for Advanced Aviation System Development;

“(K) \$9,980,000 for Airports Technology-Safety; and

“(L) \$8,000,000 for Airports Technology-Efficiency.”.

**SEC. 702. FEDERAL AVIATION ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.**

(a)(1) The Administrator of the Federal Aviation Administration shall establish a Federal Aviation Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Aviation Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Aviation Administration, for the period described in subsection (f)(1), in positions needed by the Federal Aviation Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Federal Aviation Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term “Program” means the Federal Aviation Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the Federal Aviation Administration for the Program \$10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

**SEC. 703. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.**

(a)(1) The Administrator of the National Aeronautics and Space Administration shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the National Aeronautics and Space Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the National Aeronautics and Space Administration, for the period described in subsection (f)(1), in positions needed by the National Aeronautics and Space Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year

if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the National Aeronautics and Space Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension

of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term “Program” means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the National Aeronautics and Space Administration for the Program \$10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

**SEC. 704. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.**

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) STATUTORY CONSTRUCTION.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

**SEC. 705. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration’s standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration’s standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration’s standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science.

**SEC. 706. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.**

The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

**SEC. 707. RESEARCH ON AVIATION TRAINING.**

Section 48102(h)(1) of title 49, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.”.

**SEC. 708. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

(1) promote and facilitate collaboration among academia, the Federal Aviation Administration’s Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$500,000 for fiscal year 2004 to carry out this section.

**SEC. 709. AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.**

(a) ESTABLISHMENT.—(1) The Secretary of Transportation shall establish in the Federal Aviation Administration a joint planning and development office to manage work related to the Next Generation Air Transportation System. The office shall be known as the Next Generation Air Transportation System Joint Planning and Development Office (in this section referred to as the “Office”).

(2) The responsibilities of the Office shall include—

(A) creating and carrying out an integrated plan for a Next Generation Air Transportation System pursuant to subsection (b);

(B) overseeing research and development on that system;

(C) creating a transition plan for the implementation of that system;

(D) coordinating aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

(E) coordinating goals and priorities and coordinating research activities within the Federal Government with United States aviation and aeronautical firms;

(F) coordinating the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(G) facilitating the transfer of technology from research programs such as the National Aeronautics and Space Administration program and the Department of Defense Advanced Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector; and

(H) reviewing activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense.

(3) The Office shall operate in conjunction with relevant programs in the Department of Defense, the National Aeronautics and Space Administration, the Department of Commerce and the Department of Homeland Security. The Secretary of Transportation may request assistance from staff from those Departments and other Federal agencies.

(4) In developing and carrying out its plans, the Office shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

(b) INTEGRATED PLAN.—The integrated plan shall be designed to ensure that the Next Generation Air Transportation System meets air transportation safety, security, mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration’s operational evolution plan and accomplishes the goals under subsection (c). The integrated plan shall include—

(1) a national vision statement for an air transportation system capable of meeting potential air traffic demand by 2025;

(2) a description of the demand and the performance characteristics that will be required of the Nation’s future air transportation system, and an explanation of how those characteristics were derived, including the national goals, objectives, and policies the system is designed to further, and the underlying socioeconomic determinants, and associated models and analyses;

(3) a multiagency research and development roadmap for creating the Next Generation Air Transportation System with the characteristics outlined under clause (ii), including—

(A) the most significant technical obstacles and the research and development activities necessary to overcome them, including for each project, the role of each Federal agency, corporations, and universities;

(B) the annual anticipated cost of carrying out the research and development activities; and

(C) the technical milestones that will be used to evaluate the activities; and

(4) a description of the operational concepts to meet the system performance requirements for all system users and a timeline and anticipated expenditures needed to develop and deploy the system to meet the vision for 2025.

(c) GOALS.—The Next Generation Air Transportation System shall—

(1) improve the level of safety, security, efficiency, quality, and affordability of the National Airspace System and aviation services;

(2) take advantage of data from emerging ground-based and space-based communications, navigation, and surveillance technologies;

(3) integrate data streams from multiple agencies and sources to enable situational awareness and seamless global operations for all appropriate users of the system, including users responsible for civil aviation, homeland security, and national security;

(4) leverage investments in civil aviation, homeland security, and national security and build upon current air traffic management and infrastructure initiatives to meet system performance requirements for all system users;

(5) be scalable to accommodate and encourage substantial growth in domestic and international transportation and anticipate and accommodate continuing technology upgrades and advances;

(6) accommodate a wide range of aircraft operations, including airlines, air taxis, helicopters, general aviation, and unmanned aerial vehicles; and

(7) take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.

(d) REPORTS.—The Administrator of the Federal Aviation Administration shall transmit to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Transportation and Infrastructure and the Committee on Science in the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, the integrated plan required in subsection (b); and

(2) annually at the time of the President's budget request, a report describing the progress in carrying out the plan required under subsection (b) and any changes to that plan.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Office \$50,000,000 for each of the fiscal years 2004 through 2010.

**SEC. 710. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.**

(a) **IN GENERAL.**—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary.

(b) **MEMBERSHIP.**—In addition to the Secretary, the senior policy committee shall be composed of—

(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

(3) the Secretary of Defense (or the Secretary's designee);

(4) the Secretary of Homeland Security (or the Secretary's designee);

(5) the Secretary of Commerce (or the Secretary's designee);

(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

(c) **FUNCTION.**—The senior policy committee shall—

(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

(3) provide ongoing policy review for the transformation of the air transportation system;

(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

(5) make legislative recommendations, as appropriate, for the future air transportation system.

(d) **CONSULTATION.**—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

**SEC. 711. ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.**

(a) **OBJECTIVE.**—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act, technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

(2) Factor of 10 reduction in vibration.

(3) 30 percent reduction in empty weight.

(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

(5) Capability for zero-ceiling, zero-visibility operations.

(b) **IMPLEMENTATION.**—Within 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).

**SEC. 712. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

Section 44511 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) **AIRPORT COOPERATIVE RESEARCH PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Secretary of Transportation shall establish a 4-year pilot airport cooperative research program to—

“(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not being adequately addressed by existing Federal research programs; and

“(B) fund research to address those problems.

“(2) **GOVERNANCE.**—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 14 of the Federal Advisory Committee Act shall not apply to the governing board.

“(3) **IMPLEMENTATION.**—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

“(4) **REPORT.**—Not later than 6 months after the expiration of the program under this subsection, the Secretary shall transmit to the Congress a report on the program, including recommendations as to the need for establishing a permanent airport cooperative research program.”.

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. DEFINITIONS.**

(a) **IN GENERAL.**—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

“(23) ‘small hub airport’ means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.”;

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

“(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

“(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.”;

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

“(10) ‘large hub airport’ means a commercial service airport that has at least 1.0 percent of the passenger boardings.

“(12) ‘medium hub airport’ means a commercial service airport that has at least 0.25 percent

but less than 1.0 percent of the passenger boardings.

“(13) ‘nonhub airport’ means a commercial service airport that has less than 0.05 percent of the passenger boardings.”; and

(6) by striking paragraph (6) and inserting the following:

“(6) ‘amount made available under section 48103’ or ‘amount newly made available’ means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).”.

(b) **CONFORMING AMENDMENT.**—Section 47116(b)(1) is amended by striking “(as defined in section 41731 of this title)”.

**SEC. 802. REPORT ON AVIATION SAFETY REPORTING SYSTEM.**

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

**SEC. 803. ANCHORAGE AIR TRAFFIC CONTROL.**

(a) **IN GENERAL.**—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) **APPROPRIATE COMMITTEES.**—In this section, the term “appropriate committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 804. EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.**

Section 49108 is amended by striking “2004” and inserting “2008”.

**SEC. 805. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.**

(a) **IN GENERAL.**—Section 329(b)(1) is amended by striking “except that in no case” and all that follows through the semicolon at the end and inserting the following: “except that, if the Secretary requires air carriers to provide flight-specific information, the Secretary—

“(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and

“(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105-AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

**SEC. 806. GOVERNMENT-FINANCED AIR TRANSPORTATION.**

Section 40118(f)(2) is amended by inserting before the period at the end the following: “, except that it shall not include a contract for the transportation by air of passengers”.

**SEC. 807. AIR CARRIER CITIZENSHIP.**

Section 40102(a)(15)(C) is amended by inserting “which is under the actual control of citizens of the United States,” before “and in which”.

**SEC. 808. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.**

Section 41703 is amended by adding at the end the following:

“(e) CARGO IN ALASKA.—

“(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

“(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term ‘eligible cargo’ means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

“(A) under the code of a United States air carrier providing air transportation to Alaska;

“(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

“(C) under a term arrangement or block space agreement with an air carrier; or

“(D) under the code of a United States air carrier for purposes of transportation within the United States.”

**SEC. 809. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.**

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking “the air carrier” the third place it appears; and

(2) by adding at the end the following:

“(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier’s flight if that city is located in the United States.”

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

“(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

“(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial

information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier’s flight if that city is located in the United States.”

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

**SEC. 810. NOTICE CONCERNING AIRCRAFT ASSEMBLY.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

**“§41723. Notice concerning aircraft assembly**

“The Secretary of Transportation shall require, beginning after the last day of the 18-month period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following:

“41723. Notice concerning aircraft assembly.”

**SEC. 811. TYPE CERTIFICATES.**

Section 44704(a) is amended by adding at the end the following:

“(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.”

**SEC. 812. RECIPROCAL AIRWORTHINESS CERTIFICATION.**

(a) IN GENERAL.—As part of their bilateral negotiations with foreign nations and their civil aviation counterparts, the Secretary of State and the Administrator of the Federal Aviation Administration shall facilitate the reciprocal airworthiness certification of aviation products.

(b) RECIPROCAL AIRWORTHINESS DEFINED.—In this section, the term “reciprocal airworthiness certification of aviation products” means that the regulatory authorities of each nation perform a similar review in certifying or validating the certification of aircraft and aircraft components of other nations.

**SEC. 813. INTERNATIONAL ROLE OF THE FAA.**

Section 40104(b) is amended to read as follows:

“(b) INTERNATIONAL ROLE OF THE FAA.—The Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator’s foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.”

**SEC. 814. FLIGHT ATTENDANT CERTIFICATION.**

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

**“§ 44729. Flight attendant certification**

“(a) CERTIFICATE REQUIRED.—

“(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

“(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

“(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

“(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

“(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

“(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

“(1) be numbered and recorded by the Administrator;

“(2) contain the name, address, and description of the individual to whom the certificate is issued;

“(3) is similar in size and appearance to certificates issued to airmen;

“(4) contain the airplane group for which the certificate is issued; and

“(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

“(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

“(f) FLIGHT ATTENDANT DEFINED.—In this section, the term ‘flight attendant’ means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

“44729. Flight attendant certification.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

**SEC. 815. AIR QUALITY IN AIRCRAFT CABINS.**

(a) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled “The Airliner Cabin Environment and the Health of Passengers and Crew”.

(b) *REQUIRED ACTIVITIES.*—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew;

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an air quality incident reporting system.

(c) *REPORT.*—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

**SEC. 816. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.**

(a) *REPORT.*—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) *CONSULTATION.*—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

**SEC. 817. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.**

(a) *IN GENERAL.*—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(4) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/1099 and 3/1862 or section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108–7, division I), or both.

(5) Sightseeing operations that were not authorized to resume in enhanced class B air space under Federal Aviation Administration notice to airmen 1/1225.

(b) *DOCUMENTATION.*—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) *GENERAL AVIATION ENTITY DEFINED.*—In this section, the term “general aviation entity” means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in non-scheduled aviation enterprises, and general aviation independent contractors.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$100,000,000. Such sums shall remain available until expended.

**SEC. 818. INTERNATIONAL AIR SHOW.**

If the Secretary of Defense conducts activities necessary to enable the United States to host a major international air show in the United States, the Secretary of Defense shall coordinate such activities with the Secretary of Transportation and the Secretary of Commerce.

**SEC. 819. REPORT ON CERTAIN MARKET DEVELOPMENTS AND GOVERNMENT POLICIES.**

Within 6 months after the date of enactment of this Act, the Department of Commerce, in consultation with the Department of Transportation and other appropriate Federal agencies, shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure a report about market developments and government policies influencing the competitiveness of the United States jet transport aircraft industry that—

(1) describes the structural characteristics of the United States and the European Union jet transport industries, and the markets for these industries;

(2) examines the global market factors affecting the jet transport industries in the United States and the European Union, such as passenger and freight airline purchasing patterns, the rise of low-cost carriers and point-to-point service, the evolution of new market niches, and direct and indirect operating cost trends;

(3) reviews government regulations in the United States and the European Union that have altered the competitive landscape for jet transport aircraft, such as airline deregulation, certification and safety regulations, noise and emissions regulations, government research and development programs, advances in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(4) analyzes how changes in the global market and government regulations have affected the competitive position of the United States aerospace and aviation industry vis-à-vis the European Union aerospace and aviation industry; and

(5) describes any other significant developments that affect the market for jet transport aircraft.

**SEC. 820. INTERNATIONAL AIR TRANSPORTATION.**

It is the sense of Congress that, in an effort to modernize its regulations, the Department of

Transportation should formally define “Fifth Freedom” and “Seventh Freedom” consistently for both scheduled and charter passenger and cargo traffic.

**SEC. 821. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.**

The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

(1) the screening of catering supplies; and

(2) checking documents at security checkpoints.

**SEC. 822. CHARTER AIRLINES.**

(a) *IN GENERAL.*—Section 41104(b)(1) is amended—

(1) by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”;

(2) by inserting a comma after “regularly scheduled charter air transportation”; and

(3) by striking “flight unless such air transportation” and all that follows through the period at the end and inserting the following: “flight, to or from an airport that—

“(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

“(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

“(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

“(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.”.

(b) *WAIVERS.*—Section 41104(b) is amended by adding at the end the following:

“(4) *WAIVERS.*—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.”.

**SEC. 823. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) *SECURITY PLAN.*—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

(b) *LANDINGS AND TAKE OFFS.*—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

(c) *REPORT.*—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.

**SEC. 824. REVIEW OF AIR CARRIER COMPENSATION.**

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the criteria and procedures used by the Secretary of Transportation under the Air Transportation Safety and System Stabilization Act (Public Law 107–42) to compensate air carriers after the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate—

(1) to compensate air carriers for the decrease in value of their aircraft after September 11, 2001; and

(2) to ensure that comparable air carriers receive comparable percentages of the maximum compensation payable under section 103(b)(2) of such Act (49 U.S.C. 40101 note).

**SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.**

(a) *IN GENERAL.*—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

(b) *PUBLIC NOTICE AND COMMENT.*—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

(c) *DEFINITIONS.*—In this section, the terms “Stage 2 aircraft” and “Stage 3 aircraft” have the same meaning as those terms have in chapter 475 of title 49, United States Code.

**SEC. 826. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.**

(a) *FINDING.*—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) *GAO REPORT.*—Not later than one year after the date of enactment of this Act, the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self sufficient.

(c) *GAO AUTHORITY.*—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General’s duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) *REPORTS TO CONGRESS.*—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

**SEC. 827. PRIVATE AIR CARRIAGE IN ALASKA.**

(a) *IN GENERAL.*—Due to the demands of conducting business within and from the State of Alaska, the Secretary of Transportation shall permit, under the operating rules of part 91 of title 14 of the Code of Federal Regulations where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide air carriage of officials,

employees, guests, and property of the company, or its affiliate, when the carriage—

(1) originates or terminates in the State of Alaska;

(2) is by an aircraft with no more than 20 seats;

(3) is within the scope of, and incidental to, the business of the company or its affiliate; and

(4) no charge, assessment, or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane.

(b) *LIMITATION ON STATUTORY CONSTRUCTION.*—Nothing in this subsection shall be construed as prohibiting a company from making intermediate stops in providing air carriage under this section.

**SEC. 828. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section during the 2-year period ending on the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

**SEC. 829. NAVIGATION FEES.**

(a) *IN GENERAL.*—Section 4(b) of the Rivers and Harbors Appropriation Act of July 5, 1884 (33 U.S.C. 5(b); 116 Stat. 2133), is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following:

“(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign commerce if those taxes are permissible under the United States Constitution.”

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) is effective on and after November 25, 2002.

**TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY**

**SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.**

(a) *IN GENERAL.*—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking “October 1, 2003” and inserting “October 1, 2007”, and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: “or the Vision 100—Century of Aviation Reauthorization Act”.

(b) *CONFORMING AMENDMENT.*—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2003” and inserting “October 1, 2007”.

**SEC. 902. TECHNICAL CORRECTION TO FLIGHT SEGMENT.**

(a) *SPECIAL RULE.*—Section 4261(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) *SPECIAL RULE FOR AMOUNTS PAID FOR DOMESTIC SEGMENTS BEGINNING AFTER 2002.*—If an amount is paid during a calendar year for a domestic segment beginning in a later calendar year, then the rate of tax under subsection (b) on such amount shall be the rate in effect for the calendar year in which such amount is paid.”

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,  
JOHN L. MICA,  
VERNON J. EHLERS,  
ROBIN HAYES,  
DENNY REHBERG,  
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,  
JOE BARTON,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,  
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,  
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,  
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committed to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,  
DANA ROHRBACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,  
DAVE CAMP,

*Managers on the Part of the House.*

JOHN MCCAIN,  
TED STEVENS,  
CONRAD BURNS,  
TRENT LOTT,  
KAY BAILEY HUTCHISON,

*Managers on the Part of the Senate.*

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for

clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

## 1. SHORT TITLE

*House bill*

"Flight 100-Century of Aviation Reauthorization Act".

*Senate Amendment*

"Aviation Investment and Revitalization Vision Act".

*Conference substitute*

"Vision 100—Century of Aviation Reauthorization Act".

## 2. LENGTH OF AUTHORIZATION

*House bill*

4 years.

*Senate amendment*

3 years.

*Conference substitute*

House bill.

## 3. FINDINGS

*House bill*

No provision.

*Senate amendment*

Contains findings about the importance of aviation and the need to invest more into it.

*Conference substitute*

Contains some of the findings in the Senate amendment.

## 4. FAA OPERATIONS

*House bill*

Authorizes \$7.591 billion in 2004, \$7.732 billion in 2005, \$7.889 billion in 2006, and \$8,064 billion in 2007 for the operating costs of the FAA.

*Senate amendment*

Authorizes same amount for first 3 years. No authorization for 2007.

*Conference substitute*

House bill.

## 5. FAA TRAINING FACILITY

*House bill*

Authorizes some of this money to be used to fully utilize the FAA's Palm Coast management training facility.

*Senate amendment*

No provision.

*Conference substitute*

House bill funded out of the Operations account. Conferees agreed to authorize funding for the FAA Center for Management Development to operate training courses and to support associated student travel for both residential and field courses.

## 6. AEROSPACE AND AVIATION LIAISON

*House bill*

Directs the President to establish a task force to look for ways to ensure that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

*Senate amendment*

Establishes an office in DOT to coordinate research, development of new technologies, transfer of technology from research done by NASA and DOD to the private sector, review activities related to noise and emissions. One time and annual report required. \$2 million is authorized over 2 years.

*Conference substitute*

Assigns the newly established Air Transportation System Joint Planning and Development Office (item #8) responsibility to facilitate the transfer of technology from research programs such as those managed by

the National Aeronautics and Space Administration and the Department of Defense Advanced Research Projects Agency to Federal agencies with operational responsibilities, and to the private sector.

## 7. COMPETITIVENESS OF U.S. JET TRANSPORTATION INDUSTRY

*House bill*

No provision.

*Senate amendment*

Within 6 months the office established above shall report on the market developments and government policies influencing U.S. competitiveness.

*Conference substitute*

Senate Amendment with modifications.

## 8. NEXT GENERATION AIR TRAFFIC CONTROL OFFICE

*House bill*

Authorizes some of this money to be used to establish an office in the FAA to develop and plan for the implementation of the next generation air traffic control system.

*Senate amendment*

Similar provision but sets forth in greater detail the duties of the office. Authorizes \$300 million over 7 years. Head of office reports directly to the Administrator.

*Conference substitute*

Establishes a Next Generation Air Transportation System Joint Planning and Development Office. Requires the office to produce an integrated research and development plan to meet air transportation needs in the year 2025. Requires the plan to be transmitted to Congress within one year after the date of enactment, and an annual update describing the progress in carrying out the plan. Authorizes \$50 million a year through FY 2010.

## 9. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM

*House bill*

Implements the recommendation of the National Commission on the Future of the Aerospace Industry and requires the President to establish a Task Force to develop an integrated plan to transform the Nation's air traffic control and air transportation system to meet its future needs.

*Senate amendment*

No provision.

*Conference substitute*

Requires the Secretary of Transportation to establish a Next Generation Air Transportation Senior Policy Committee to work with the Joint Planning and Development Office. Members shall be the Administrator or designee from NASA and FAA, the Secretary of Defense, Secretary of Homeland Security, Secretary of Commerce, Director of the Office of Science and Technology Policy, and designees from Federal agencies determined by the Secretary of Transportation to have an important role. The Senior Policy Committee shall advise the Secretary and provide policy guidance on the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office.

## 10. APPROACH PROCEDURES

*House bill*

Authorizes some of this money to be used to establish approach and departure procedures using GPS and ADS-B in order to meet the needs of air ambulance services.

*Senate amendment*

No provision.

*Conference substitute*

In lieu of House provision, change expiration date in paragraphs (C), (D), and (E) of

section 106(k)(2) of current law to conform to the number of years of the bill. Include reference to ADS-B in the Statement of Managers.

## 11. AIR TRAFFIC CONTROLLERS

*House bill*

Paragraph (k)(5) in section 101 authorizes some of this money to be used to hire additional air traffic controllers in order to accommodate the growth in air traffic and address the expected increase in retirement of experienced controllers.

Subsection (c) of section 101 directs the FAA to develop a human capital workforce strategy to address the need for more air traffic controllers as called for by the General Accounting Office.

*Senate amendment*

Section 103(b). Requires FAA beginning in FY 2004 budget submission and thereafter to include description of controller staffing plan including strategies for addressing anticipated retirements.

*Conference substitute*

Senate section 103(b) but starts with 2005 budget submission. Subsection (c) of House bill.

## 12. ALASKAN AVIATION CORRIDORS

*House bill*

Authorizes some of this money to be used to complete the mapping of Alaska's main aviation corridors.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 13. AVIATION SAFETY REPORTING SYSTEM

*House bill*

Authorizes \$3.4 million to be used for the Aviation Safety Reporting System. Calls for a report on the Aviation Safety Reporting System.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 14. BUREAU OF TRANSPORTATION STATISTICS

*House bill*

Authorizes \$3.971 million in 04, \$4.045 million in 05, \$4.127 million in 06, and \$4.219 million in 05 from the Trust Fund for the Bureau of Transportation Statistics' activities collecting and analyzing aviation data.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 15. AIR NAVIGATION FACILITIES AND EQUIPMENT (F&amp;E)

*House bill*

Authorizes \$3.138 billion in 2004, \$2.993 billion in 2005, \$3.053 billion in 2006, and \$3.110 billion in 2007.

*Senate amendment*

Authorizes \$2.196 billion in 2004, \$2.971 in 2005, and \$3.030 billion for 2006. No authorization for 2007. Requires biannual reports on the changes in budget and schedule, and technical risks, of 10 largest F&E programs.

*Conference substitute*

House bill with Senate report. The Managers expect that no research and development activities will be funded from the facilities and equipment account.

## 16. GULF OF MEXICO

*House bill*

Money is authorized from the F&E account to improve the safety and efficiency of air operations in the Gulf of Mexico.

*Senate amendment*

Similar provision but worded differently. Money is authorized from general fund.

*Conference substitute*

House bill.

## 17. WAKE TURBULENCE

*House bill*

\$20 million per year for 4 years is authorized from F&E for FAA to demonstrate the benefits of a wake vortex advisory system.

*Senate amendment*

\$500,000 is authorized for 1 year from RED for FAA to contract with the National Research Council for an assessment of FAA's wake vortex research program. Report required in 1 year.

*Conference substitute*

House provision for the life of bill, except the Conferees agreed to delete a specific dollar amount and change the wording to allow development and analysis of multiple systems.

## 18. PRECISION APPROACH LANDING SYSTEMS

*House bill*

\$20 million per year is authorized per year from F&E for precision approach landing systems in mountainous areas contingent on FAA certifying or approving these systems. Maintenance of equipment not included.

*Senate amendment*

Similar provision but no requirement for FAA approval and no specific sum is authorized. Money comes from general fund. Maintenance of equipment is included.

*Conference substitute*

House bill without specifying dollar amount.

## 19. STANDBY POWER EFFICIENCY PROGRAM

*House bill*

No provision.

*Senate amendment*

Authorizes funding for a program to improve power stations at FAA sites.

*Conference substitute*

Senate amendment.

## 20. ANCHORAGE AIR TRAFFIC CONTROL FACILITIES

*House bill*

No provision.

*Senate amendment*

Requires a report from FAA on the feasibility of consolidating air traffic control facilities.

*Conference substitute*

Senate amendment.

## 21. AIR TRAFFIC CONTROL COLLEGIATE TRAINING INITIATIVE

*House bill*

No provision.

*Senate amendment*

Authorizes DOT to expend funds on this initiative.

*Conference substitute*

Senate amendment but funded from the FAA's operating account (49 USC 106(k)).

## 22. RESEARCH

*House bill*

No provision.

*Senate amendment*

Authorizes funding for FAA research and development.

*Conference substitute*

Authorizes all research and development activities for the agency within the R&D section of Title 49. The Managers expect these research and development activities to be funded from the FAA's R,E&D account.

## 23. AVIATION SAFETY WORKFORCE INITIATIVE

*House bill*

No provision.

*Senate amendment*

NASA and FAA shall establish a joint program to make grants to students in aviation fields. Such sums are authorized to NASA and FAA to carry out this program. Report required in 180 days.

*Conference substitute*

Senate amendment.

## 24. SCHOLARSHIPS

*House bill*

No provision.

*Senate amendment*

NASA and FAA shall develop a student loan program for those studying in an aviation field. Money is authorized and a report is required.

*Conference substitute*

Established a scholarship and internship program for those studying in an aviation field.

## 25. AIRFIELD PAVEMENT

*House bill*

No provision.

*Senate amendment*

Requires FAA to continue the program of awarding grants to foundations to do research on airfield pavement. But this should not get higher priority than other research programs.

FAA shall review its standards for airfield pavement thickness and revise them if needed to meet the 20-year life requirement for such pavement. Report required in 1 year.

*Conference substitute*

Senate amendment, except Conferees agreed to strike any reference to "rigid concrete" and to amend 47102(3)(H) to make non-hubs eligible for AIP grants for pavement maintenance.

## 26. CERTIFICATION METHODS

*House bill*

No provision.

*Senate amendment*

FAA shall conduct research to develop analytical tools to improve existing certification methods and reduce the cost for certification of new products.

*Conference substitute*

Senate amendment.

## 27. NEW TECHNOLOGIES

*House bill*

No provision.

*Senate amendment*

FAA may conduct a limited pilot program to provide incentives to airlines to use new technologies. \$500,000 is authorized from the general fund in 2004 for this program.

*Conference substitute*

Senate amendment except authorized from Facilities and Equipment.

## 28. FAA CENTER FOR EXCELLENCE

*House bill*

No provision.

*Senate amendment*

FAA shall develop a Center for Excellence focused on research and training on composite materials.

*Conference substitute*

Senate amendment.

## 29. REPORT ON ENVIRONMENTAL IMPROVEMENTS

*House bill*

No provision.

*Senate amendment*

Requires a study on ways to reduce aircraft noise and emissions. Report required in 1 year. \$500,000 is authorized.

*Conference substitute*

Authorizes \$20 million a year for research on enabling technologies to reduce noise and emissions pollution.

## 30. AIRPORT IMPROVEMENT PROGRAM (AIP)

*House bill*

\$3.4 billion in 2004, increasing by \$200 million each of 3 years thereafter. No AIP money for administrative expenses.

*Senate amendment*

\$3.4 billion in 2004, increasing by \$100 million in each of 2 years thereafter. Authorizes use of AIP for administrative expenses.

*Conference substitute*

Senate amendment to the length of the bill however does not authorize use of AIP for administrative expenses. Conferees believe that AIP money should not be used for research, as that should be done in the research account.

## 31. CONTRACT TOWER PROGRAM

*House bill*

Authorizes funding for the contract tower program for 4 years increasing funding by 500,000 each year. Updates the section on the FAA's contract tower program by deleting the 1987 date and increases the maximum Federal share (from \$1.1 million to \$1.5 million) for the construction of a tower under this program.

*Senate amendment*

Same provision with respect to funding but for only 3 years. Allows qualified entities to contract for towers. Same provision with respect to the Federal share.

*Conference substitute*

Senate amendment, but for 4 years.

## 32. UNDERSERVED AIRPORTS

*House bill*

Subsection (b) of section 104 authorizes funding for 5 years at \$35 million per year for the program established in AIR 21 to improve service at underserved airports.

Subsection (b) of section 415 revises this program by eliminating the per-State limit on the number of communities that can participate and by giving priority to those communities that can use the money in the fiscal year that they receive it.

*Senate amendment*

Section 302, subsection (a) authorizes funding for 3 years at \$27.5 million per year for this program. \$275,000 may be used for administrative costs.

Subsection (b) allows communities to participate more than once but not for the same project. Section 354(c) amends section 41734(h) by striking "an airport" and inserting "each airport".

*Conference substitute*

House section 104(b) and Senate section 302(b). House section 415(b) but retain per state limit on a per year basis.

The Conferees continue to be concerned about air service to small and medium sized airports. Section 203 of AIR 21 (114 Stat. 92), codified at section 41743 of title 49, included a pilot program to make grants to small communities to help them bolster their air service. This program is only now beginning to get underway. The Conferees believe this program will lead to the desired air service improvements and the reported bill reauthorizes it for another 5 years at \$35 million per year. In selecting communities for participation in this program, the Conferees encourage the Secretary of Transportation to give preference to airports that have demonstrated the ability to sustain service and that have strong support from the local community.

## 33. REGIONAL JET LOAN GUARANTEES

*House bill*

Reauthorizes the program to permit loan guarantees to be offered for the purchase of regional jets to serve small airports.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

## 34. TRUST FUND GUARANTEE

*House bill*

Reauthorizes for 4 years the procedural protections in AIR 21 that ensure that all Trust Fund revenue and interest is fully spent and that the AIP and F&E programs are fully funded at their authorized levels.

*Senate amendment*

Same provision, worded differently, for 3 years.

*Conference substitute*

House bill.

## 35. DESIGN-BUILD

*House bill*

Continues for another 4 years the provision in existing law permitting contractors to both design and build 7 airport improvement projects.

*Senate amendment*

Makes existing law permanent and removes the 7-airport project limit.

*Conference substitute*

Senate amendment. The Committee understands that other alternative qualifications based methods exist such as job order contracting and construction manager at risk. These alternative qualifications-based methods are acceptable under existing regulations and statute. The term "job order contracting" means an agreement that provides for the purchase of indefinite and limited quantities of construction pursuant to specific work orders issued to the contractor. The term "construction manager at risk" means an agreement that provides for preconstruction services by a contractor during or after design. Section 181 is intended to cover traditional design-build techniques that are not otherwise permitted.

## 36. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

*House bill*

Reauthorizes MWAA's ability to receive AIP grants until 2007. Section 412(g) repeals the provision requiring this periodic reauthorization.

*Senate amendment*

Requires MWAA, with DOT, to study the feasibility of housing gates of the two air shuttles in one terminal.

*Conference substitute*

House bill, however Conferees agreed not to repeal the provision requiring periodic reauthorization and to require MWAA to seek reauthorization in 2008.

## 37. WAR RISK INSURANCE

*House bill*

Makes permanent war risk insurance for international flights and for non-premium insurance. War risk insurance for domestic flights would continue to be subject to periodic reauthorizations. Permits DOT to keep in effect after August 31, 2004 the war risk insurance policies that must be in effect until that date. Permits DOT to extend the \$100 million cap on liability for third party damages to U.S. aircraft manufacturers until the end of next year. Allows DOT to provide war risk insurance coverage to U.S. aircraft manufacturers and to vendors, agents, and sub-contractors of airlines but only to the extent

that the loss involved aircraft of a U.S. airline. Makes technical corrections.

*Senate amendment*

Reauthorizes the program for 3 years. Allows DOT to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of \$50,000,000 or in excess of manufacturer's primary insurance. Includes conforming amendments.

*Conference substitute*

Conferees agreed to amend Section 44310 to extend the effective date of the program to March 30, 2008. DOT is allowed to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of \$50,000,000 or in excess of manufacturer's primary insurance.

## 38. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS

*House bill*

Authorizes FAA to conduct a pilot program to test the cost-effectiveness and feasibility of innovative financing techniques to purchase and install terminal automation replacement systems. This proposal is designed to replace existing obsolete air traffic control equipment at FAA TRACONS. This section provides \$200,000,000 in FY 2004 from the Facilities and Equipment Account for this pilot program and allows the FAA to make multi-year advance contract provisions to achieve economic-lot purchases and more efficient production rates.

*Senate amendment*

No provision.

*Conference substitute*

House bill, however the pilot program is not limited to any particular technology or system.

## 39. COST SHARING OF ATC MODERNIZATION PROJECTS

*House bill*

No provision.

*Senate amendment*

DOT may make 10 grants per year for ATC projects that are certified or approved by FAA and that promote safety, efficiency or mobility. The money shall come from the F&E account. It shall be limited to \$5 million per project. The Federal share of the project shall be limited to 33%. The local share shall come from non-Federal sources including PFCs. Facilities and equipment obtained through this program may be transferred to FAA. FAA shall issue guidelines for this program without being subject to the APA.

*Conference substitute*

Senate amendment but limited to the purchase of equipment and software.

## 40. PROJECT STREAMLINING

*House bill*

Provides that the Title may be cited as the "Airport Streamlining Approval Process Act of 2003". Makes a number of findings regarding our Nation's major airports and the environmental review process for airport capacity projects at congested airports.

*Senate amendment*

No provision.

*Conference substitute*

Subtitle renamed "Aviation Development Streamlining." Provides that the Title may be cited as the "Aviation Streamlining Approval Process Act of 2003". Findings are the same as the House bill.

## 41. PROMOTION OF NEW RUNWAYS—AIRPORT CAPACITY PROJECTS

*House bill*

Provides that the Administrator shall take action to encourage the construction of air-

port capacity enhancement projects at congested airports. This is designed to encourage the FAA to take a more proactive approach in encouraging the construction of new runways when it determines that it would be in the national interest.

*Senate amendment*

Section 47701, takes a different approach by requiring the Secretary to identify airports, among FAA's Airport Capacity Benchmark Report 2001, with delays significantly affecting the national system. This section also requires the Secretary to set up a task force and conduct a capacity enhancement study (CES) from which identified airports would be directed to engage in runway expansion processes. Based on the CES, an airport would be required to complete the planning and environmental review process within 5 years after CES, is submitted to DOT. If an identified airport declines to undertake expansion projects, they will be ineligible for planning and other expansion funding and cannot issue passenger facility fees. The Secretary must make every attempt to expedite funding for airports that do comply.

Section 47702, provides for designation of airport development projects as national capacity projects if they will significantly enhance the capacity of the national air transportation system. The designation is effective for 5 years.

*Conference substitute*

Adopted the Senate title "Airport Capacity Enhancement" and the House bill.

## 42. DOT AS LEAD AGENCY

*House bill*

Section 47171, subsection (a) requires the Secretary to develop and implement a coordinated airport project review process for airport capacity enhancement projects at congested airports.

Subsection (b) provides for a coordinated review process for all environmental reviews, analyses, opinions, permits, licenses, and approvals to be conducted concurrently and completed within a time period established by the Secretary in cooperation with the agencies involved.

Subsection (c) requires that for each airport capacity enhancement project at a congested airport, the Secretary shall identify all Federal and state agencies that may have jurisdiction over environmental-related matters, may be required by law to conduct an environment review, or may have jurisdiction to determine whether to issue an environmental-related permit, license, or approval for the project.

Subsection (d) allows a State and its associated agencies, consistent with State law, to choose to participate in the coordinated review process for a project at an airport within that State.

Subsection (e) allows the coordinated review process for a project to be incorporated into a Memorandum of Understanding between the Secretary and the heads of other Federal and State agencies identified in subsection (c), and the airport involved.

Subsection (f) sets forth the notification and reporting requirements should the Secretary determine that a Federal agency, state agency, or airport sponsor participating in the coordinated review process has not met a deadline established under subsection (b).

Subsection (g) provides that for any environmental review process or approval issued or made by a Federal or state agency participating in a coordinated review process requiring an analysis of the purpose and need for a project, the agency is bound by the project's purpose and need as defined by the Secretary.

Subsection (h) provides that the Secretary shall determine the reasonable alternatives

to an airport capacity enhancement project at a congested airport and any other Federal or state agency participating in a coordinated review process shall consider only those alternatives to the project that the Secretary has determined are reasonable.

*Senate amendment*

Section 47703, subsection (a) similarly requires the Secretary to implement an expedited coordinated environmental review process for national capacity projects. Includes a date certain deadline for completing all reviews.

Subsection (b) requires each Federal agency/dept. to accord national capacity project environmental review the highest possible priority & to conduct the review expeditiously. If not complying then the Secretary shall notify Congress immediately.

Subsection (c) requires the designation of a Project Coordinator who shall, among other things, coordinate all activities of Federal, State and local agencies involved in the project.

Subsection (c)(1) requires Secretary to designate a project coordinator & establish an environmental impact team for each national capacity project. Subsection (c)(2) sets forth what the project coordinator and the EIS team shall do.

Adds 180-days extra time and it is not part of the NEPA process. Subsection (a) requires FAA to publish an additional notice in the FR for each airport capacity enhancement project at a congested airport requesting comments on reasonable alternatives. Subsection (b) provides, outside of NEPA, that an alternative shall be considered reasonable if certain listed criteria are met.

Subsection (d), provides that the Secretary's determination, not later than 90-days after last day of comment period, is binding on "all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project."

Subsection (e) states that the section does not apply to alternatives analysis under NEPA and does not apply if an airport opts out in writing. Subsections (a) and (c) require comment periods in addition to NEPA. Subsection (a), as indicated above, requires FAA to publish an additional notice requesting comments on reasonable alternatives.

Subsection (c), requires an additional 60-day comment period.

*Conference substitute*

House bill with Senate Amendment. The Conferees intend that the procedures set forth in this section will allow DOT to cut through red tape and eliminate duplication without diminishing existing environmental laws or limiting local input into these critical projects. Conferees believe that the expedited, coordinated environmental review process will ensure that once a community reaches consensus on a critical project, the review process will not unnecessarily delay action. Conferees designate the Department of Transportation as the lead agency for the project review process, and directs the Secretary of Transportation to develop a coordinated review process for major airport capacity projects that will ensure that all environmental reviews by government agencies will be conducted at the same time, whenever possible.

The Conferees agreed to combine the streamlined environmental review processes and procedures for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects into one section. Therefore, House bill section 47177 is folded into House bill section 47171. The Conferees also adopted the Senate amendment regarding environmental impact statement teams as a way to stream-

line the environmental review process and achieve a coordinated, expedited environmental review. Conferees believe that after proper scoping and public comment processes, the determinations of the Secretary with regard to a proposed project's purpose and need and reasonable alternatives shall be binding on any other Federal or state agency that is participating in a coordinated environmental review process under this section. Participation in a coordinated environmental review process includes the review of environmental analyses, consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals.

Conferees recognize that the Department of Transportation and the Federal Aviation Administration have significant expertise and experience on transportation-related matters. Therefore, the Conferees believe that in conducting environmental reviews within the jurisdiction of the DOT, the Secretary should play a lead role in determining which analytical methods are reasonable for use in determining the transportation impacts and benefits of project alternatives, particularly in the area of noise impacts. Other agencies should give substantial deference to the aviation expertise of the Federal Aviation Administration with respect to determinations of relevant aviation factors including aircraft and airport operations, airport capacity, and future national air space capacity forecasts. Other agencies have expertise in determining the environmental impacts of transportation projects, and the Secretary should rely on the expertise of these agencies in analyzing these impacts. The Conferees believe that, to the maximum extent possible, all Federal and State agencies participating in the coordinated review process should use a common set of data for their analyses in carrying out their responsibilities to conduct environmental reviews under Federal law.

43. CATEGORICAL EXCLUSIONS

*House bill*

Section 47172, states that not later than 120 days after the date of enactment of this section, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environment impact statement be prepared for projects at airports.

*Senate amendment*

Requires FAA to report to Senate, within 30 days, on current CATEXs and on proposed additional CATEXs. Directs Secretary to consider other things outside of NEPA, when determining list of proposed CATEXs.

*Conference substitute*

In lieu of either the House bill or Senate amendment, the Conferees agree that the requirement to develop and publish a list of categorical exclusions is unnecessary given that the FAA already published a list of new categorical exclusions as part of their proposed FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." It would therefore be most helpful if the FAA finalized this Order. The Conferees have set a 180-day deadline for the FAA to publish their final FAA Order 1050.1E. In addition, with regard to airport projects, the Conferees have set a deadline for the FAA to publish, for public comment, the revised FAA Order 5050.413, "Airport Environmental Handbook," and urge the FAA to finalize this Order as soon as practicable.

44. ACCESS RESTRICTIONS TO EASE CONSTRUCTION—AIR TRAFFIC PROCEDURES

*House bill*

Section 47173, provides that at the request of a congested airport, the Secretary may

approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that the imposition of the restriction (1) is necessary to mitigate significant noise impacts and expedite construction of the runway; (2) is the most appropriate and cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs; and (3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

*Senate amendment*

Section 47705 is a similar provision for national capacity projects that involve construction of new runway or reconfiguration of runway. If the Secretary determines consistent with safe and efficient use of airspace, and consistent with applicable Federal law, then commit to such procedure in ROD for project.

*Conference substitute*

Conferees adopted the Senate amendment with minor changes to conform to the use of the term "airport capacity enhancement projects at congested airports" in lieu of the term "national capacity projects."

45. AIRPORT REVENUE TO PAY FOR MITIGATION

*House bill*

Section 47174, subsection (a) states, that the Secretary may allow an airport carrying out a capacity enhancement project at a congested airport to make payments out of revenues generated at the airport for measures to mitigate the environmental impacts of the project if the Secretary finds that (1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared for NEPA; (2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and (3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved. Subsection (b) describes what the mitigation measures described in Subsection (a) may include.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

46. AIRPORT FUNDING OF FAA STAFF

*House bill*

Section 47175, subsection (a) provides that FAA may accept funds from an airport to hire additional staff or obtain the services of consultants to facilitate the timely processing, review, and completion of environmental documents associated with an airport development project.

Subsection (b) allows the Administrator, with agreement of the airport, to transfer its entitlement funds to the account used by FAA for activities described in subsection (a).

Subsection (c) states that, notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b) shall (1) be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted; (2) be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and (3) remain available until expended.

Subsection (d) provides that no funds may be accepted pursuant to subsection (a), or

transferred under subsection (b), ensures that airport or AIP money is utilized only to provide additional funds for environmental staff, not merely replace funds from the FAA's operating account that would have been provided for this purpose in any event.

*Senate amendment*

Section 47706, similar provision but provides for pilot program and sets up rather complicated process getting much more specific in requirements. Also, does not allow airports to use AIP for this purpose.

*Conference substitute*

House bill and Senate Amendment. Conferees agree that this program should be a permanent program and that airports should be allowed to use AIP entitlement funds to fund environmental staff. However, this provision is designed to ensure that airport or AIP money is utilized only to provide additional funds for environmental staff, and not merely to replace funds in the FAA's operating account that would have been provided for this purpose in any event.

47. AUTHORIZATION

*House bill*

Section 47176, authorizes funds to be appropriated to the Secretary out of the Airport and Airway Trust Fund, in the amount of \$4,200,000 for fiscal year 2004 and for each fiscal year thereafter for the timely processing, review and completion of environmental review activities associated with airport capacity enhancement projects at congested airports

*Senate amendment*

No provision.

*Conference substitute*

House bill.

48. STREAMLINING OF SAFETY AND SECURITY PROJECTS

*House bill*

Section 47177, allows, in subsection (a), the Administrator of the Federal Aviation Administration to designate an aviation safety or aviation security project for priority environmental review. The Administrator is not allowed to delegate this designation authority.

Subsection (b) directs the Administrator to establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. The guidelines must include consideration of, (1) the importance or urgency of the project; (2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act; (3) the need for cooperation and concurrent reviews by other Federal or State agencies; and (4) the prospect for undue delay if the project is not designated for priority review.

Subsection (c) sets forth the procedures for coordinated environmental reviews. Paragraph (1) directs the Administrator, in consultation with the heads of affected agencies, to establish specific timelines for coordinated environmental reviews of an aviation safety or aviation security projects. The timelines shall be consistent with timelines established in existing laws and regulations. Also, this subsection directs each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals to accord any such review a high priority and to conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews. Paragraph (2) directs each Federal agency identified under subsection (c) to formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure com-

pletion of environmental reviews, in a timely and environmentally responsible manner.

Subsection (d) provides for State participation. Paragraph (1) states that if a priority environmental review process is being implemented with respect to a project within the boundaries of a State with State environmental requirements and approvals, the Administrator must invite the State to participate in the process. Paragraph (2) allows that a State invited to participate in a priority environmental review process, consistent with State law, may choose to participate and may direct that all State agencies, which have jurisdiction to conduct an environmental review or analysis of the project, be subject to the coordinated review process.

Subsection (e) sets forth the procedures for when a Federal agency or participating State fail to give priority, review. Paragraph (1) provides that if the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that the noncompliance is undermining the environmental review process, the Secretary must notify, within 30 days the head of the Federal agency or, with respect to a State agency, the Governor of the State. Paragraph (2) states that when a Federal agency receives such a notification, the Agency must submit a written report to the Secretary within 30 days explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take. Paragraph (3) states that if the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time allowed under this subsection, the Secretary shall notify the Council on Environmental Quality, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate.

Subparagraph (f) cross-references the procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 and directs that they shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

Subsection (g) provides a list of definitions of terms used in the section. Section 47178, provides a list of definitions of terms used in the subchapter, including terms "congested airport" and "Airport Capacity Enhancement Project."

*Senate amendment*

Section 47707, provides definition of National Capacity Project.

*Conference substitute*

House bill. Conferees combined House bill section 47177, which includes the procedures for an expedited, coordinated environmental review process for aviation safety and aviation security projects, with House bill section 47171, the procedures for airport capacity enhancement projects at congested airports. The Conferees believe that environmental reviews for these types of projects should be streamlined in the same way that airport capacity enhancement projects at congested airports are streamlined. Therefore, all processes and procedures applicable to airport capacity enhancement projects at congested airports apply to designated aviation safety or aviation security projects. Conferees adopted the House bill definitions of terms in both Sections 47177(g) and 47178.

49. GOVERNOR'S CERTIFICATE

*House bill*

Repeals the requirement in section 47106(c)(1)(B) that the Governor of the state

in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be in compliance with applicable air and water quality standards.

*Senate amendment*

Same as House bill except the Senate strikes "(1)(c)" in newly designated 47106(c)(4) and inserts "(1)(B)", and does not strike "Stage 2" and insert "Stage 3" in 7106(c)(2)(A).

*Conference substitute*

Senate amendment with minor technical changes to reflect revisions contained in House bill. Conference substitute repeals the governor's certificate requirement regarding compliance with applicable air and water quality standards.

50. NOISE MITIGATION NEAR A CONGESTED AIRPORT

*House bill*

Authorizes the issuance of a grant to an airport operator of a congested airport and a unit of local government to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the FAA for an airport capacity enhancement project.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

51. STREAMLINING LIMITATIONS AND RELATIONSHIP TO OTHER REQUIREMENTS

*House bill*

Section 207 states that nothing in the Act shall preempt or interfere with any practice of seeking public comment; any power, jurisdiction, or authority that a state agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and any obligation under the National Environmental Policy Act and Council on Environmental Quality regulations.

Section 208 provides that the coordinated review process required under this Title for airport capacity enhancement projects at congested airports shall apply whether or not the project is a high-priority transportation infrastructure project under Executive Order 13274.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

52. ILLINOIS

*House bill*

No provision.

*Senate amendment*

Makes clear that nothing in Title II of the Senate amendment precludes the application of this Act to Illinois or preempts the Illinois Governor from approving or disapproving an airport project.

*Conference substitute*

Senate amendment.

53. MANAGEMENT ADVISORY COMMITTEE MEMBERS

*House bill*

This section reduces the FAA's Management Advisory Council (MAC) to 13 members to reflect the removal the Air Traffic Services Subcommittee from the MAC. The DOT Secretary rather than the President would fill any remaining vacancies in the MAC.

*Senate amendment*

Similar provision.

*Conference substitute*

House bill, but name changed to Management Advisory Committee.

## 54. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE

*House bill*

Establishes the Air Traffic Services Board and moves the members of the Air Traffic Services Subcommittee to this new Board. The FAA Administrator would be the Chairman of this Board. Members are appointed by the President and confirmed by the Senate. Compensation of the Board Members is eliminated. Board makes recommendations on the FAA budget rather than approve it.

*Senate amendment*

Similar provision but it is called a Committee rather than a Board and members are appointed by the Secretary. Retains \$25,000 compensation for members. Continues to require approval of FAA budget. Requires President to submit FAA budget request to Congress without revision.

*Conference substitute*

House bill and Senate amendment, but without the provision on the budget. The new organization is a committee.

## 55. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER

*House bill*

Revises the functions of the FAA's Chief Operating Officer (COO) to more closely reflect the duties of such a position. The current statutory functions have been criticized for being more appropriate for a CEO than a COO. The COO is given the added responsibility of developing a comprehensive plan with specific performance goals for managing cost-reimbursable contracts as called for in the report of the Inspector General (Report F1-2202-092, May 8, 2002).

*Senate amendment*

Similar, except there is no provision on cost-reimbursable contracts.

*Conference substitute*

House bill.

## 56. SECTION WHISTLEBLOWER PROTECTION

*House bill*

No provision.

*Senate amendment*

Provides whistleblower protection for employees of FAA contractors.

*Conference substitute*

Senate amendment.

## 57. SMALL BUSINESS OMBUDSMAN

*House bill*

This section establishes the position of small business ombudsman within FAA to serve as a liaison with small business and provide assistance to those businesses.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

## 58. FAA PURCHASE CARDS

*House bill*

This section requires FAA to take appropriate actions to implement General Accounting Office recommendations made in a report (GAO-03-405, March 2003) that uncovered abuses of FAA purchase cards. Similar concerns had been raised earlier about practices in Alaska (GAO-02-606, May 2002).

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 59. IMPROVEMENT OF AVIATION INFORMATION COLLECTION

*House bill*

This section would repeal the prohibition on collecting information by specific flight

effective on the date of issuance of a final rule that reduces the reporting burden for air carriers through electronic filing of the Origin & Destination Survey data.

*Senate amendment*

No provision.

*Conference substitute*

House provision with additional language to ensure that data cannot be used for anti-competitive purposes. The additional language requires that, if the Secretary requires air carriers to provide flight-specific information, (1) the Secretary shall not disseminate fare information for a specific flight to the general public for a period of at least nine months following the date of the flight; and (2) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare.

## 60. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING

*House bill*

This section requires DOT to publish passenger complaints about screening problems in the same way that it publishes complaints about delays, lost baggage, etc.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 61. DEFINITIONS

*House bill*

This section places the various definitions of "hub" in one place in Title 49 rather than scattered throughout the code as they are now. This section includes the various hub definitions in Chapter 471 of title 49. Also defines "amount made available" and "passenger boardings".

*Senate amendment*

Adds definitions of "amount newly made available" and "amount subject to apportionment" in chapter 471. Makes necessary conforming changes. Subsection (b) revises when AIP grants may be made.

*Conference substitute*

House bill and Senate amendment.

## 62. CLARIFICATIONS TO PROCUREMENT AUTHORITY

*House bill*

Subsection (a) deletes paragraph (c)(1) and (c)(2)(D) that no longer apply to the FAA as a result of the procurement reform contained in section 40110(d) of title 49.

Subsection (b) deletes the reference to the deadline for implementing procurement reform and allows bid protests to be resolved by alternate dispute resolution techniques. Subsection (c) adds the procurement of "services" to the list of actions to which the FAA's procurement system applies.

*Senate amendment*

Subsection (a) is the same provision but it also deletes paragraphs (2)(C) and (E) that require authorization from GSA and limit sole source contracts.

Also deletes the reference to the deadline for implementing procurement reform.

Subsection (b) is the same as subsection (c) of the House bill.

*Conference substitute*

House bill and Senate amendment with additional language at the end of new paragraph (d)(4) stating "and shall be subject to judicial review under section 46110 of this title, and to the provisions of the Equal Access to Justice Act (5 U.S.C. 504)."

## 63. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT UNDER THE PFC PROGRAM

*House bill*

Subsection (a) allows passenger facility charge (PFC) revenue to be used to purchase low-emission vehicles or to convert existing equipment.

Subsection (b) makes clear that PFC revenue can be used only to pay the difference in cost between the low-emission vehicle and a regular vehicle. PFCs can also be used to pay the cost of converting an existing vehicle to a low emission vehicle.

Subsection (c) defines the type of equipment that is eligible.

*Senate amendment*

Similar provision, but adds requirement that DOT, in consultation with EPA, shall issue guidance.

*Conference substitute*

Conferees adopted a blended version of the House bill and Senate amendment. The Conferees adopted the House provision with the Senate requirement that the EPA, in consultation with DOT, shall issue guidance.

## 64. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM

*House bill*

Subsection (a) is designed to streamline the PFC approval process by requiring that notice and comment is provided before the airport submits its PFC application to FAA and all the certifications are included in that application. The subsection also states that an airport is required to consult with only those airlines operating there that provide scheduled air service or major charter operations.

Subsection (b) provides a 3-year test of expedited procedures for approval of PFC applications at small airports. Such an airport that notifies FAA of its intention to impose a PFC shall be allowed to do so unless FAA objects within 30 days of receiving the notice.

*Senate amendment*

This is the same provision with some different wording. Also eliminates the requirement that large airports seeking a PFC of more than \$3 show that the project will make a significant contribution to safety, security, increased competition, or reducing congestion or noise.

*Conference substitute*

House bill.

## 65. PFCS AND MILITARY CHARTERS

*House bill*

Makes clear that passengers on a military charter are not required to pay a PFC since payment for the flight is made by the Department of Defense rather than by the individual passengers.

Makes technical amendments.

*Senate amendment*

Subsection (g) of section 507 is the same provision.

*Conference substitute*

Both House bill and Senate amendment.

## 66. USING PFC REVENUE FOR GROUND ACCESS PROJECTS

*House bill*

Requires FAA to publish in 60 days its current policy for allowing PFCs to be used to pay for ground access projects.

*Senate amendment*

No provision.

*Conference substitute*

House bill but add "consistent with current law."

## 67. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES

*House bill*

This section requires airlines to place PFC revenue that they collect in a separate account so that the airport for which the PFC was collected will be assured of receiving its money should the airline go out of business during the interim period between the time that the PFC was collected and the time it is remitted to the airport.

*Senate amendment*

No provision.

*Conference substitute*

House bill, but limited to air carriers filing for bankruptcy after the date of enactment. These air carriers would only have to segregate PFC money, and would not be required to put that money in an escrow account.

## 68. MAJOR RUNWAY PROJECTS

*House bill*

No provision.

*Senate amendment*

Requires quarterly reports on the status of major runway projects undertaken at 40 largest airports.

*Conference substitute*

No provision.

## 69. NOISE DISCLOSURE TO HOME BUYERS

*House bill*

No provision.

*Senate amendment*

Requires FAA to study the feasibility of developing a program to notify homebuyers of information on noise disclosure maps. Requires FAA to make noise exposure maps available on its web site.

*Conference substitute*

Senate amendment. Conferees made one change by requiring the Federal Aviation Administration to make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format. The approach was adopted instead of requiring the FAA to publish noise exposure maps on the FAA's web site alone. Conferees believe that it is very important that potential homebuyers should be notified of the likelihood that they would be exposed to aircraft noise.

## 70. CLARIFICATION OF FLY AMERICA ACT

*House bill*

Makes clear that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

Makes clear that a person that has contracted with the military has the same obligation under 49 U.S.C. 41106 to employ U.S. airlines for airlift services as the military.

*Senate amendment*

No provision.

*Conference substitute*

Conferees adopted the House provision that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

## 71. AIRLINE CITIZENSHIP

*House bill*

No provision.

*Senate amendment*

To qualify as a U.S. airline, it must be under the actual control of citizens of the U.S.

*Conference substitute*

Senate amendment.

## 72. AIR CARGO IN ALASKA

*House bill*

No provision.

*Senate amendment*

Permits cargo to or from a foreign country to be transferred to another airline in Alaska without being considered to have broken its international journey.

*Conference substitute*

Senate amendment. This subsection does not apply to transportation of passengers and does not permit the Secretary to authorize a foreign air carrier either to take on for compensation at a place in the United States cargo having both first origin and ultimate destination in the United States, or to engage in service that contravenes any bilateral or multilateral agreement between the United States and any foreign state. Alaska's geographic location and distance from the contiguous 48 states creates special needs, challenges and opportunities. Alaska has a unique geographic location as a technical and refueling stop for all cargo services between Asia, on the one hand, and Europe and North America on the other. A "term arrangement" is a cargo relationship between air carrier(s) and foreign air carrier(s) on an ongoing basis, including, for example, preferential rates or joint marketing up to and including a full cargo alliance.

## 73. OVERFLIGHTS OF NATIONAL PARKS

*House bill*

States that the requirements and restrictions governing commercial air tour operations, as defined in the Air Tour Management Act of 2000, of national parks apply only to those flights that are over the park, or over an area within ½ mile outside the boundary of a national park, and not to those flights that may be near the park, even if they have some impact on the park.

Overrules an FAA regulation that establishes specific times that are considered daylight hours and instead uses the more common approach of defining daylight as the hours between 1 hour after sunrise and 1 hour before sunset.

*Senate amendment*

No provision.

*Conference substitute*

House bill, subsection (a) regarding the application of the Air Tour Management Act of 2000 only. The Conferees also agreed to add a provision regarding the utilization of quiet technology at Grand Canyon National Park and established a mediation process if necessary.

Conferees are greatly disappointed with the lack of progress that has been made by the National Park Service (NPS) and the Federal Aviation Administration (FAA) with regard to managing air tour noise impacts in national parks. It is our understanding that the two agencies have not been able to reach agreement on how to set noise standards for national parks, how to measure and model noise impacts in national parks, and how to appropriately regulate air tours over national parks.

Conferees point out that in no less than eight places in the Air Tour Management Act of 2000 (ATMA), Congress used the words "in cooperation" to describe how the FAA and NPS should work together to develop air tour management plans (ATMPs) for national parks. Congress' intent is clear. The agencies should work collaboratively, cooperatively and in coordination with one another. Neither is in the position to dictate an approach. Conferees expect the two agencies to come to an agreement on a common approach to develop ATMP's, as well as to determine environmental impacts in national

parks, including noise impacts. The approach and procedures should be developed expeditiously and in a coordinated and collaborative fashion.

Finally, it is our understanding that the National Park Service has not sought funding authorization or appropriation for the ATMP process. Conferees believe that both agencies should be funding this effort.

## 74. DELAY REDUCTION MEETINGS

*House bill*

No provision.

*Senate amendment*

DOT may ask U.S. airlines to meet with FAA to discuss flight reductions at severely congested airports to reduce over scheduling and flight delays during peak hours if FAA and DOT determine it is necessary. Meetings shall be chaired by FAA, open to all scheduled U.S. airlines, and limited to the airports and time period determined by FAA. FAA shall set flight reduction targets for the meeting. Airlines shall make flight reduction offers to FAA rather than to other airlines. Transcripts of the meetings shall be made available. Includes an additional provision dealing with delays caused by stormy weather.

*Conference substitute*

Senate amendment without the "Stormy Weather" provisions which are covered by the collaborative decision making pilot program described below.

## 75. COLLABORATIVE DECISION MAKING PILOT PROGRAM

*House bill*

Requires a pilot program to be established within 90 days that would authorize airlines to discuss changes in flight schedules in the event of a capacity reduction event.

States that the pilot program will last for 2 years after it is established.

Subsection (c) directs FAA to issue guidelines for the program that, at least, define when a capacity reduction event exists that would warrant the use of collaborative decision making among airlines.

States that when the FAA determines that a capacity reduction event exists at an airport, it may permit airlines to meet and discuss their schedules for up to 24 hours in order to use the available air traffic capacity most effectively. The FAA shall monitor these discussions.

Directs the FAA to choose three airports to participate in the program within 30 days after establishing the program. The airports chosen should be those with the most delays where collaborative decision-making could help reduce delays there and throughout the nation.

States which airlines are eligible to participate.

Permits the FAA to modify or cancel the program or prevent an airline from participating if it finds that the purposes of the program are not being furthered or there is an adverse impact on competition.

Requires FAA and DOT to evaluate the impact of the pilot program on the use of air traffic capacity, competition, the amount of air service to communities, and the impact of delays at other airports. Subsection (i) allows the program to be extended for an additional two years and expanded to seven more airports if warranted by the evaluation in subsection (h).

*Senate amendment*

Requires a program to be established to authorize airlines to discuss changes in schedules in the event of bad weather.

Within 30 days of enactment, DOT shall establish procedures governing airline requests for authorization, participation by DOT, and the determination by FAA about the impact of bad weather.

When FAA determines that bad weather is likely to adversely and directly affect capacity at an airport for at least 3 hours, airlines may discuss flights directly affected by the bad weather for up to 24 hours. DOT shall be represented at the meetings.

Allows DOT to exempt airlines from the antitrust laws in order to participate in the discussions.

This provision expires 2 years and 45 days after enactment but may be extended for another 2 years. DOT shall notify Congress of any such extension.

*Conference substitute*

House bill but reduced the number of initial participating airports from 3 to 2. Conferees also included requirements that the Attorney General concur with certain actions and determinations of the Secretary of DOT. Conferees also provided that the Attorney General may monitor the communications between air carriers operating at a participating airport. Also included antitrust immunity. Conferees directed the Administrator of the FAA to define and establish limited criteria for a "capacity reduction event". Conferees expect the FAA to work closely with the Department of Justice and the Department of Transportation.

76. COMPETITION AND ACCESS

*House bill*

No provision.

*Senate amendment*

Directs DOT to study and report within 6 months on competition, access problems, gate usage, pricing and availability at large airports.

*Conference substitute*

No provision.

77. COMPETITION DISCLOSURE

*House bill*

No provision.

*Senate amendment*

Requires large airports to file a report with DOT within 30 days of denying an airline a gate or other facilities. Report shall provide reason for the denial and time frame for granting the request.

*Conference substitute*

Instead of requiring a report from an airport each time it is unable to accommodate an airline request for gates, the conference substitute requires an airport to file a report with DOT during each 6 month period that it was unable to accommodate a request for gates. The airport could aggregate several incidents into one report. This provision sunsets in 5 years.

78. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION

*House bill*

This section adds two provisions to the family assistance plans that airlines are required to follow in the event of a plane crash. The first requires information to homeowners whose houses are damaged about liability and compensation. Typically, this information should direct homeowners to their insurance companies to obtain information on compensation for damages. The second requires the airline to provide closed circuit television or a similar method for families to view NTSB proceedings concerning the accident. This would apply only if the NTSB proceedings were more than 80 miles from the accident site. In such cases, the proceedings would have to be able to be viewed in the cities where the flight originated and where it was scheduled to land. This applies only to cities in the United States.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

79. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

*House bill*

Increases the number of slot exemptions to be granted outside the 1,250-mile perimeter from 12 to 24. Increases the number of slot exemptions to be granted inside the perimeter from 12 to 20.

Accommodates the above additional exemptions by increasing the number that can be granted during each one-hour period from 2 to 3. It also distributes the 20 inside-the-perimeter exemptions as follows—6 for air service from Reagan National to small airports without regard to the new entrant criteria, 10 to medium size or smaller airports, and 4 to any airport. Directs DOT to establish procedures for the grant of these slot exemptions.

*Senate amendment*

No provision.

*Conference substitute*

House bill. In order to enhance competition, DOT is encouraged to, among others, consider the competitive importance of service to cities that can serve as gateways to additional western states that currently have only limited service to Reagan National Airport. This language is not intended to favor or prejudice an application from a carrier under this section.

80. PERIMETER RULES

*House bill*

Requires DOT to study the impact of locally imposed perimeter rules on competition and air service to communities outside that perimeter.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

81. COMMUTER AIRCRAFT DEFINITION

*House bill*

Changes the definition of commuter to allow up to 76 seat regional jets to use commuter slots at Reagan National Airport.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

82. NOTICE CONCERNING AIRCRAFT ASSEMBLY WHERE AN AIRCRAFT IS ASSEMBLED

*House bill*

This section requires, within 1 year, U.S. airlines to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was built.

*Senate amendment*

No provision.

*Conference substitute*

House bill, but airlines have 18 months to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was finally assembled.

83. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES

*House bill*

In order to promote air service to small communities, this section directs FAA to permit small turbine powered or multi-engine aircraft to carry passengers between a small airport and another airport and to accept payment from those passengers if the aircraft is otherwise operated in accordance with FAA rules in Parts 119 and 135 and DOT rules in Part 298 of 14 CFR.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

84. ESSENTIAL AIR SERVICE (EAS) MARKETING

*House bill*

Allows the portion of the essential air service (EAS) subsidy paid to an airline to promote its service to be paid to the community instead so that the community can promote that service.

*Senate amendment*

Airports may receive up to \$50,000 for a marketing plan to increase usage at an EAS community. A local share, not including federal sources but including bond proceeds or in-kind contributions, is required unless passenger usage increases by a specified amount. Authorizes \$50,000 to a State with an EAS community to assist the State in developing methods to increase passengers at the community. A 10% local share, including in-kind contributions, is required.

\$12 million per year for 3 years is authorized for this program of which \$200,000 may be used for administrative costs.

*Conference substitute*

Senate amendment.

85. EAS SUBSIDY ADJUSTMENT

*House bill*

Allows adjustments to a carrier's subsidy rate at any time if average monthly costs have increased by 10% or more without regard to requirements relating to renegotiation or termination notice.

*Senate amendment*

Allows adjustments to a carrier's subsidy rate within 30 days of enactment if average annual unit costs have increased by 10% or more without regard to renegotiation requirements.

*Conference substitute*

House bill section 415 (a)(3), but does not go into effect until 30 days after enactment. Senate amendment definition of "significantly increased costs," with revisions to clarify calculation. Conferees agreed to a new provision authorizing the Secretary to reverse the upward adjustment in the subsidy rate if costs subsequently decline. It is the Managers' intent that the authority provided in this section be used to cover an industry-wide cost increase, such as increased fuel or insurance costs, and not one unique to a particular carrier.

86. RETURNED EAS FUNDS

*House bill*

No provision.

*Senate amendment*

Any EAS subsidy returned to DOT by an airport shall remain available to DOT and used to increase flights to that airport.

*Conference substitute*

No provision.

87. EAS AUTHORIZATION

*House bill*

Authorizes \$65 million, in addition to the \$50 million already required to be provided, for the EAS program and for the alternative program established by subsection (f) below. It also authorizes the hiring of additional employees in DOT to manage the program.

*Senate amendment*

Authorizes \$113 million including the \$50 million already required.

*Conference substitute*

House bill, with additional authorization for marketing from Senate bill.

88. SUBSIDY TERMINATION

*House bill*

Requires DOT to give a community 90 days notice before it discontinues subsidies to a

community as a result of that community's failure to meet mileage or per passenger subsidy targets established in Appropriations Acts.

*Senate amendment*

Notwithstanding the subsidy per passenger limitation in the 2000 appropriations act, DOT may not terminate a subsidy to a community before the end of 2004, if 2000 ridership at the community was sufficient and it received notice in 2003 that its ridership is no longer sufficient.

*Conference substitute*

No provision.

89. RESUMING SERVICE AT FORMER EAS COMMUNITIES

*House bill*

Allows an airline to begin service after the date of enactment to a community that has been eliminated from the EAS program without being subject to the hold-in requirements of that program if it should decide to terminate service to that community.

*Senate amendment*

No provision.

*Conference substitute*

House bill. The purpose of this provision is to remove a requirement that might prove to be a disincentive to a carrier resuming service to a community without any service.

90. JOINT FARES

*House bill*

Directs DOT to encourage the submission of joint fare proposals to benefit service to small communities.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

91. ALTERNATIVE EAS

*House bill*

Establishes an alternative to the EAS program. Under this alternative, rather than receiving service from an airline subsidized by DOT, the community could receive a grant from DOT to establish and pay for its own service. This could include scheduled air service, air taxi service, fractional ownership where passengers pay for the service, surface transportation, or some other approach approved by DOT. Communities choosing to participate in this alternative program could not receive service under the established EAS program in the fiscal year in which they participated in the alternate program.

*Senate amendment*

If money authorized for the marketing program is fully appropriated, DOT shall establish a pilot program for no more than 10 communities under which the airport may forgo EAS subsidies for 10 years in exchange for a grant of double the EAS subsidy for airport development. DOT may require major airlines serving one of these 10 communities to participate in multiple code shares if that would improve air service.

DOT shall establish a pilot program for no more than 10 communities to authorize more flights with smaller aircraft if safety will not be compromised. For 3 of these airports, DOT may establish a pilot program where the subsidy pays for alternate transportation and improvement to airport facilities if the airport agrees to terminate its participation in this program pilot program after 1 year.

DOT may establish a pilot program where airports share the cost of providing service over and above the required essential air service.

*Conference substitute*

Substitute is House section 415 (g), with alternatives and pilot programs in the Senate

bill. The fractional ownership provision cannot be used until the FAA rule on fractional ownership takes effect.

92. TRACKING EAS SERVICE CHANGES

*House bill*

No provision.

*Senate amendment*

Requires semi-annual report from airlines providing EAS on on-time performance and other service changes.

*Conference substitute*

Senate amendment with revisions.

93. MILEAGE REQUIREMENTS FOR EAS PROGRAM

*House bill*

Establishes mileage requirements for participation in the EAS program and directs DOT to calculate the mileage by the most commonly used route. DOT should consult with the Governor in determining the most commonly used route. Any community previously eliminated from the EAS program by the distance criteria may appeal that decision to DOT in light of the changes made by this subsection.

*Senate amendment*

Similar provision but the method for determining mileage applies only to Lancaster, PA while the appeal rights apply to any community.

*Conference substitute*

House bill but limited to only 2 years prior to date of enactment and order to be issued is limited to 2007.

94. SMALL COMMUNITY OMBUDSMAN

*House bill*

No provision.

*Senate amendment*

Establishes ombudsman in DOT to develop strategies for improving air service to small communities.

*Conference substitute*

No provision.

95. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE

*House bill*

No provision.

*Senate amendment*

Establishes 9-member Commission to study challenges facing small communities and whether existing Federal programs are helping.

*Conference substitute*

Senate amendment.

96. REFUNDED SECURITY FEES

*House bill*

No provision.

*Senate amendment*

Requires flag airlines, within 30 days, to remit to their code share partners any security fees that they paid but that were refunded to the flag airline. IG reviews compliance. Airline CEO certifies compliance.

*Conference substitute*

No provision.

97. TYPE CERTIFICATES

*House bill*

Requires anyone building a new aircraft based on a type certificate to have the permission of the holder of that type certificate.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

98. CERTIFICATION OF FOREIGN AVIATION PRODUCTS

*House bill*

Requires the FAA to spend the same amount of time and perform a similarly

thorough review when certifying or validating a foreign aviation product as the foreign nation spends in certifying or validating U.S. aviation products.

*Senate amendment*

No provision.

*Conference substitute*

The House bill is revised to direct U.S. negotiators to ensure that American products are treated fairly in the certification process.

99. INTERNATIONAL ROLE OF FAA

*House bill*

No provision.

*Senate amendment*

Amends section 40101 (d) by requiring FAA to exercise leadership with foreign counterparts, in ICAO, and other organizations to promote safety, efficiency, and environmental improvements in air travel.

*Conference substitute*

Senate amendment.

100. REPORT ON OTHER NATION'S ADVANCEMENTS

*House bill*

No provision.

*Senate amendment*

FAA shall review other countries aviation safety, research funding, and technological actions and report with recommendations on how those activities might be used in the U.S.

*Conference substitute*

No provision, however the report requirement in the Senate amendment is included in section 819 of the bill.

101. DESIGN ORGANIZATION CERTIFICATES

*House bill*

This section directs FAA to develop, within 4 years, a plan for certification of design organizations and allows the FAA to implement within 7 years a system for certifying design organizations if it so chooses.

*Senate amendment*

Similar provision but plan is to be submitted in 3 years and implemented in 5 years. Nothing in this section prevents FAA from revoking a certificate. Makes conforming change to subsection on type certificates.

*Conference substitute*

House timelines with Senate provision on FAA authority to revoke certificates. Replace (f)(3) of House bill with "The FAA may rely on certifications of compliance by a Design Organization when making a finding under section (a)."

102. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS

*House bill*

This section would direct the FAA to deny a certificate to a person whose certificate was previously revoked for involvement in an activity relating to counterfeit or fraudulent aviation parts.

*Senate amendment*

Same provision, but would also deny a certificate to a person who carried out an activity related to counterfeit or fraudulent aviation parts for which he could have been convicted.

*Conference substitute*

House bill.

103. RUNWAY SAFETY AREAS

*House bill*

Section 419 states that an airport shall not be required to reduce the length of a runway or declare the length of the runway to be less than the actual pavement length in order to meet FAA requirements for runway safety areas.

Section 505 requires airports to undertake, to the maximum extent practical, improvements to the runway safety overrun area to meet FAA standards when they receive grants to construct, reconstruct, repair, or improve that runway. This does not require that airport to build a shorter runway, reduce the length of that runway or similar actions that are prohibited by section 419 of this bill.

*Senate amendment*

No provision.

*Conference substitute*

House bill. The Conferees agreed to limit this provision to airports located in the State of Alaska, as that is apparently where the FAA's actions with regard to runway safety areas has become a problem. The Conferees also agreed to require the DOT to conduct a study and submit a report on this issue for airports located in the remaining states.

104. AVAILABILITY OF MAINTENANCE INFORMATION

*House bill*

Requires manufacturers of aircraft and aircraft parts to provide maintenance manuals at a reasonable cost to repair stations that are authorized to work on those aircraft or aircraft parts.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

105. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT

*House bill*

Requires FAA to revoke a pilot's certificate if the Department of Homeland Security notifies the FAA that the pilot is a security risk.

Gives a pilot who is a U.S. citizen the right to a hearing before an administrative law judge (ALJ). Others have the right to the appeal procedures that the Transportation Security Administration (TSA) has already provided for them.

States that the ALJ is not bound by the FAA's or TSA's findings of fact or law.

Allows either party to appeal an ALJ decision to a special panel created by the Transportation Security Oversight Board.

Allows either party to appeal the panel's decision to the U.S. Court of Appeals. Requires TSA to give a person appealing under this section an explanation of the reason for the revocation and all supporting documents to the extent that national security permits.

Sets forth the procedures for handling classified evidence. This section makes clear that appeals under Subtitle VII of title 49 are handled by the Federal Court of Appeals rather than the District Court.

Contains a conforming amendment.

*Senate amendment*

No provision.

*Conference substitute*

House bill with technical clarifications to address how FAA, TSA, DHS, CIA, and the parties shall handle classified information in the hearing and appeal processes.

106. JUDICIAL REVIEW

*House bill*

Amends 46110(a) by striking "part" and inserting "subtitle" in the first sentence. Judicial review of TSA actions is covered by section 1710 of H.R. 2144.

*Senate amendment*

References 46110(c) instead of 46110(a). Uses Administration's proposed language, including sections for TSA.

*Conference substitute*

Conferees agreed to amend section 46110(a) of Title 49, United States Code to clarify

that the judicial review procedures set forth in section 46110 apply to persons disclosing a substantial interest in orders issued by the Secretary of Transportation in whole or in part under part A and under part B of Subtitle VII of Chapter 49 of the U.S. Code. The intent is to clarify that decisions to take actions authorizing airport development projects are reviewable in the circuit courts of appeals under section 46110, notwithstanding the nature of the petitioner's objections to the decision. In addition, the Committee believes that FAA orders pertaining to airport compliance are exclusively reviewable in the circuit courts of appeals, like other orders issued under similar provisions in part B of subtitle VII of title 49. The Committee notes that the amendment to section 46110 would resolve the jurisdictional issue raised in *City of Alameda v. FAA*, 285 F.3d 1143 (9th Cir. 2002). Conferees agreed to strike "part" and insert "Subparts A and B"; strike the reference to "safety" in order to clarify that the provision is not limited to safety orders of the FAA. Similar changes are made with respect to the Transportation Security Administration.

107. CIVIL PENALTIES

*House bill*

No provision.

*Senate amendment*

Sets all civil penalties at \$25,000. Increases the limit for the administrative imposition of civil penalties to \$1 million.

*Conference substitute*

Senate amendment on civil penalties with an exemption for individuals and small businesses. They will not be subject to the penalty increase but will be subject to the penalty they were subject to prior to the enactment of this Act. Also, sets the limit for the administrative imposition of civil penalties at \$400,000.

108. FLIGHT ATTENDANT CERTIFICATION

*House bill*

Prohibits a person from serving as a flight attendant on an aircraft of a U.S. airline unless that person holds a certificate from the FAA. That person must present that certificate, upon request, to an authorized Federal official within a reasonable time. People currently serving as flight attendants can continue to do so pending their certification. After the airline notifies the FAA that a person has met the qualifications for certification, that person may serve as a flight attendant even if that person does not have the certificate in hand. Requires the FAA to issue a certificate to a person after the airline notifies the FAA that the person has completed all FAA approved training. Designates the appropriate airline official to determine whether a person has successfully completed the training. Requires the certificate to be numbered and recorded by the FAA, contain the name, address, and description of the flight attendant, contain the name of the airline that the flight attendant works for, be similar to airmen certificates, contain the airplane group (jet or prop) for which the certificate is issued, and be issued by the FAA within 30 days of notification by the airline or within 1 year of the effective date of this section.

Subsection (e) states that all flight attendant training programs, other than those involving security, are subject to FAA approval. Training programs approved within one year prior to the date of enactment may be used as the basis for certifying flight attendants. Defines "flight attendant". This section takes effect one year after the date of enactment.

*Senate amendment*

Requires FAA to establish standards for flight attendant training. FAA shall require

flight attendants to complete training courses approved by FAA and TSA. FAA shall issue a certificate to each person that completes the course. Has a similar requirement for the certificate. Similar definition of "flight attendant".

*Conference substitute*

House bill, however Conferees agreed to allow the Administrator 120 days to issue the certificate after receiving notification from the air carrier.

109. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE

*House bill*

Requires the government agency that owns or controls an airport to provide 30 days notice before that airport is closed. There is \$10,000 penalty for each day that the airport remains closed without having given the proper notice.

*Senate amendment*

Same provision.

*Conference substitute*

House bill and Senate amendment. This provision applies only to airport closures that are permanent, not to temporary closures for emergency or operational reasons.

110. NOISE EXPOSURE MAPS

*House bill*

This section replaces an obsolete date reference and directs airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

*Senate amendment*

Similar provision with exception that does not direct airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

*Conference substitute*

House bill.

111. OVERFLIGHT FEES

*House bill*

This section makes clear that the changes to the method for calculating overflight fees in the Aviation and Transportation Security Act were not nullified by the savings provision in that Act.

*Senate amendment*

The provision has a similar goal but accomplishes it differently.

*Conference substitute*

Conferees agreed to ratify the interim final rule and final rule issued by the FAA on May 30, 2000, and August 13, 2001, respectively. This ratification applies to fees collected after the date of enactment of the Aviation and Transportation Security Act and before the court decision striking down those fees. It also applies to the fees that FAA collects in the future after it undertakes the actions required by this provision. The FAA may not resume collecting fees until after the Administrator reports to Congress in response to the issues raised in the April 8, 2003 court decision; and after the FAA consults with users and other interested parties to ensure the fees established are consistent with the international obligations of the United States. Conferees intend that consultations before the date of enactment shall satisfy this requirement.

Conferees note that in 1996, Congress directed the FAA Administrator to set and collect fees for the provision of air traffic control and related services for flights that fly over but do not land in the United States. This was done to recover a portion of the costs of these services from those who receive the benefit of the services but who would otherwise pay nothing. Although the

FAA Administrator has diligently proceeded to recover such costs through the imposition of overflight fees, a group of foreign airlines has challenged the fees in United States Court of Appeals for the District of Columbia Circuit.

On April 8, 2003, when the United States Court of Appeals for the District of Columbia Circuit issued an opinion in the case of Air Transport Association of *Canada et al v. FAA*, No. 01-1446, setting aside and remanding to the FAA the Final Rule issued on August 13, 2001 under Section 45301(b)(1)(B) because the Court concluded that, as a result of the generic savings provision set forth in Section 141 of the ATSA, Section 119(d) of ATSA did not apply to this Final Rule since it was the subject of the foreign air carriers' pending challenge at the time the ATSA was enacted. It was never the intention of Congress that the savings provision set forth in Section 141 was to have this effect, and this amendment clarifies that fact by retroactively applying Section 119(d) to both the Interim Final Rule issued on May 30, 2000 as well as the Final Rule issued on August 13, 2001.

Also, to clarify that the FAA has complied with its statutory mandate regarding overflight fees in the Interim Final Rule and Final Rule and to ensure the fees can be collected in the future, the language and authority approved by the Court of Appeals for the District of Columbia Circuit in *Thomas v. Network Solutions, Inc.*, 176 F. 3d 500 (D.C. Cir 1999) is adopted hereto retroactively, as well as prospectively, to legalize and ratify both the Interim Final Rule and the Final Rule, effective as of the dates those rules were originally issued by the FAA.

Although the Court of Appeals has never found a violation of international law in the overflight fee rulemakings, there have been complaints that international law has not been complied with by the FAA. To ensure compliance, the Administrator is directed to consult and confer on the concerns of foreign governments and users that the fees established by this section conform to the international obligations of the United States and the Administrator is authorized to adjust the fees, if necessary, to conform to the obligations of the United States under international law.

112. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

*House bill*

This section requires FAA to update the curriculum for training aircraft mechanics to reflect current technology and maintenance practices. Maintains requirement for 1900 hours of training.

*Senate amendment*

No provision.

*Conference substitute*

House bill without specifically mentioning the 1900-hour minimum requirement.

113. AIR QUALITY IN AIRCRAFT CABINS

*House bill*

This section directs the FAA to undertake the studies and analysis called for in the National Academy of Sciences study on airline cabin air quality.

*Senate amendment*

Similar provision, but adds two requirements, to study air pressure and altitude and to establish an incident reporting system.

*Conference substitute*

Senate amendment.

114. RECOMMENDATIONS CONCERNING TRAVEL AGENTS

*House bill*

This section requires DOT to consider the recommendations of the National Commis-

sion to Ensure Consumer Information and Choice in the Airline Industry and to report to Congress on any actions that it believes should be taken.

*Senate amendment*

Same provision.

*Conference substitute*

House bill and Senate amendment.

115. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES

*House bill*

This section authorizes \$100 million to reimburse general aviation businesses that have incurred costs or lost money as a result of security restrictions. The businesses eligible for this reimbursement are the fixed based operator and any other general aviation businesses at Reagan National Airport that has been largely closed to general aviation since September 11, 2001, the 3 general aviation airports in the Washington, D.C. area that were closed after September 11th and are now operating under security restrictions, banner towers who have been prohibited from flying over stadiums, flight schools that have been unable to train foreign students, and any other general aviation business that is prohibited from operating due to similar restrictions.

*Senate amendment*

Similar provision but does not explicitly include banner towers or flight schools in each coverage. Definition of general aviation entity is slightly different.

*Conference substitute*

House bill, but narrows reimbursement eligibility to general aviation businesses that are specifically identified as having incurred costs or lost money as a result of the events of September 11, 2001.

116. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

*House bill*

This section requires the wage dispute between the FAA and the National Association of Air Traffic Specialists to be submitted to the Federal Services Impasse Panel if it has not been resolved within 30 days of enactment of this Act.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

117. FAA INSPECTOR TRAINING

*House bill*

Directs GAO to undertake a study of the training of FAA's safety inspectors. Sense of the House that FAA safety inspectors should take the most up-to-date training at a location convenient to the inspector and that the training should have a direct relation to the inspector's job requirements. Directs the FAA to arrange for the National Academy of Sciences to study the staffing standards the FAA uses for its inspector workforce.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

118. AIR TRAFFIC OVERSIGHT SYSTEM (ATOS)

*House bill*

No provision.

*Senate amendment*

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones, and addressing problems with ATOS identified by GAO and the IG. Sets forth the requirements for the action plan including

extending ATOS beyond the 10 largest airlines.

*Conference substitute*

Senate amendment that within 90 days, the FAA shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that Administration-approved foreign repair stations are subject to an equivalent level of safety, oversight, and quality control as those located in the United States. This does not require, nor does it prevent, the FAA to perform the same number of inspections on foreign repair stations as domestic ones.

119. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION

*House bill*

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft. States that this prohibition does not apply to the functions performed at air traffic control towers that are operated by private entities under the FAA's contract tower program. This exemption covers the current air traffic control towers that are part of the FAA contract tower program and to non-towered airports and non-federal towers that would qualify for participation in this program.

*Senate amendment*

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft and the functions of those who maintain and certify those systems. Section shall not apply to an FAA tower operated under the contract tower program as of the date of enactment.

*Conference substitute*

Prohibits DOT from privatizing air traffic control functions associated with the separation and control of aircraft, but ensures that the current contract tower program can continue and be expanded to new towers and VFR towers. The prohibition sunsets after 4 years.

120. AIRFARES FOR MEMBERS OF THE ARMED FORCES

*House bill*

This is a sense of Congress urging airlines to provide low fares for Members of the Armed Forces of the United States. Also includes findings.

*Senate amendment*

Similar provision. No findings. Refers only to standby tickets.

*Conference substitute*

House bill.

121. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE

*House bill*

This section extends for 9 more months the requirement that airlines accommodate passengers whose flight is cancelled due to the bankruptcy of the carrier on which that passenger was ticketed.

*Senate amendment*

Same provision. Also requires DOT to consider waiving this requirement where other airlines operate flights over routes operated in isolated areas dependent on air transportation.

*Conference substitute*

House bill and Senate amendment but without the waiver in the Senate amendment.

122. INTERNATIONAL AIR SHOW

*House bill*

This section directs DOT, in consultation with the Secretary of Defense, to study the

feasibility of the United States hosting an international air show. A report is required by September 30, 2004.

*Senate amendment*

No provision.

*Conference substitute*

House bill to direct DOT to work with DOD on an international air show.

123. RETIREMENT BENEFITS OF AIR TRAFFIC CONTROLLERS

*House bill*

This section allows an air traffic controller who is promoted to a supervisory or managerial position to retain the same retirement benefits as one who was not so promoted. Amends the definition of an "air traffic controller" within the Civil Service Retirement System (CSRS) and Federal Employee Retirement System (FERS) to include second level air traffic controller supervisors. Clarifies that CSRS and FERS mandatory retirement provisions that apply to line air traffic controllers do not apply to second level supervisors. Specifies that this section shall take effect on the 60th day after the date of enactment. Allow current second level supervisors who have been promoted prior to enactment to retroactively pay into the higher CSRS accrual rate.

*Senate amendment*

No provision.

*Conference substitute*

The provision would ensure that former controllers could keep the retirement benefits they accrued as controllers. Also controllers who were promoted to first line supervisors as well as the supervisors of those first line supervisors would continue to accrue the retirement benefit of controllers. Others who are promoted to higher supervisory positions or who move out of the controller ranks would get controller retirement benefits only for the time they spent as controllers.

124. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE

*House bill*

If the FAA imposes flight restrictions in the Washington D.C. area, this section requires FAA to submit a report to Congress within 60 days explaining the need for such restrictions. If such restrictions are in effect on the date of enactment, this report must be filed within 30 days of the date of enactment.

*Senate amendment*

Same provision with some different wording.

*Conference substitute*

House bill.

125. INTERNATIONAL AIR TRANSPORTATION

*House bill*

This is a sense of Congress urging DOT to define "fifth freedom" and "seventh freedom" consistently for both scheduled and charter passenger and cargo traffic.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

126. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

*House bill*

This section directs DOT, subject to the availability of funds, to reimburse U.S. airlines and airports for the security activities that they are still being required to perform. It also directs DOT to reimburse airports for the space being used to screen passengers if that space was being used or would have been used by concessionaires or other for revenue producing activities.

*Senate amendment*

No provision.

*Conference substitute*

House bill, but limited to reimbursement for the screening of catering supplies and checking documents at security checkpoints. The Department of Homeland Security, rather than DOT, would be responsible for implementing this provision to the extent funds are made available to them.

127. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

*House bill*

This is a sense of Congress that Reagan National Airport should be opened to general aviation flights as soon as possible.

*Senate amendment*

No provision.

*Conference substitute*

Requires the Secretary of Homeland Security to develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport. The Administrator of the Federal Aviation Administration is required to allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed by DHS due to national security concerns. Also requires a Report to Congress if a plan is suspended.

128. CHARTER AIRLINES

*House bill*

This section prohibits scheduled charter airlines from operating at Teterboro unless the Secretary finds that it is in the public interest.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

129. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS

*House bill*

This section requires DOT to issue rule to implement Chapter 4 noise standards by July 1, 2004.

*Senate amendment*

No provision.

*Conference substitute*

House bill but the deadline for the final rule is April 1, 2005.

130. JACKSON HOLE

*House bill*

No provision.

*Senate amendment*

Permits Jackson Hole to prohibit operations by small stage 2 aircraft.

*Conference substitute*

Senate amendment, but permits a sponsor of a commercial service airport who does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) to impose restrictions on, or prohibit, the operation of small Stage 2 aircraft, in order to help meet the noise control plan contained within the lease agreement. The airport sponsor must give public notice and allow for public comment before imposing a restriction or prohibition.

131. CREW SECURITY TRAINING

*House bill*

Requires airlines to provide basic security training for flight attendants and sets forth the elements of that training. TSA shall establish minimum standards for that training

within one year. Requires TSA to develop and provide advanced self-defense training for flight attendants and sets forth the elements of that training. This training is voluntary and flight attendants are not compensated for taking that training. They cannot be charged a fee. Exempts flight attendants from liability for using self-defense techniques in an actual terrorist situation.

*Senate amendment*

No provision.

*Conference substitute*

House bill. The provision requires the TSA to set the minimum standards to be included in the basic security training provided by each carrier to train flight and cabin crewmembers to prepare the crew members for potential threat conditions. This is intended to make sure that each carrier's training program includes the minimum standards that have been outlined by Congress and the TSA. The programs will be subject to approval of the TSA, who will also monitor and periodically review those programs to assure that the programs are adequately preparing crew members for potential threat situations.

132. STUDY OF TRANSPORTATION SECURITY

*House bill*

No provision.

*Senate amendment*

Requires DHS to report in 6 months on the effectiveness of aviation security.

*Conference substitute*

Senate amendment, but this report may be submitted in lieu of TSA's annual report required by section 44938 of current law.

133. LETTERS OF INTENT TO PAY FOR AIRPORT SECURITY PROJECTS

*House bill*

No provision, but section 1525 of H.R. 2144 establishes a grant program to airport sponsors for (1) projects to replace conveyers related to security, (2) projects to reconfigure baggage areas, (3) projects that enable EDS installation behind the ticket counters, in baggage sorting areas or as part of an in-line systems, and (4) other security improvement projects determined appropriate. Authorizes Under Secretary to issue letters of intent. Established the Federal share of projects to be 90% for large and medium hubs and 95% for smaller airports. Authorized \$500M to be appropriated in each of FY04, FY05, FY06 and FY07 to be available until expended. Prohibits the collection of the security fees unless appropriations cover all outstanding LOI commitments in a given Fiscal year.

*Senate amendment*

Establishes Aviation Security Capital Fund to provide financial assistance to airport sponsors to defray capital investment in transportation security. Authorizes \$500M for each of FY04, FY05, FY06, and FY07 to be derived from the passenger and air carrier security fees. Allocates funds 40% large hub, 20% medium hub, 15% small hub, and 25% discretionary. Amounts allocated to airports are apportioned based on passenger enplanements. Authorizes letters of intent. No provision on Federal share.

*Conference substitute*

Establishes within the Department of Homeland Security a grant program to airport sponsors for (1) projects to replace baggage conveyer systems related to aviation security; (2) projects to reconfigure terminal baggage areas as needed to install explosive detection systems; (3) projects to enable the Under Secretary for Border and Transportation Security to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or inline with the baggage handling system; and (4) other airport

security capital improvement projects. Authorizes Under Secretary to issue letters of intent. Establishes the Federal share of projects to be 90% for large and medium hubs and 95% for smaller projects. This applies to all grants made under letters of intent beginning in fiscal year 2004 even if the letter was issued in fiscal year 2003. The Under Secretary shall revise letters of intent issued before the date of enactment to reflect this cost share with respect to projects carried out after September 30, 2003. Requires \$250 million annually from the existing aviation security fee that is paid by airline passengers to be deposited in an Aviation Security Capital Fund, and made available to finance this grant program. Of this \$250 million, \$125 million shall be allocated based on the following set-asides: 40% to large hub airports, 20% to medium hub airports, 15% to small and non-hub airports, and 25% to any size airport based on aviation security risks. The remaining \$125 million shall be used to make discretionary grants, with priority given to fulfilling letters of intent. In addition to the amounts made available to the Aviation Security Capital Fund, there is authorized to be appropriated an additional \$250 million to carry out this program. If additional amounts are appropriated pursuant to this authorization, 50% shall be used for discretionary grants, and 50% in accordance with the set-asides discussed above.

## 134. CHARTER SECURITY

*House bill*

No provision, but section 1503(1) of H.R. 2144 moves the provisions governing charters into title 49 and exempts military charters from the requirements that would otherwise apply. Also makes a technical change in the size of charter aircraft covered.

*Senate amendment*

Maintains as a freestanding provision but otherwise virtually the same. Section 406 makes the same technical change.

*Conference substitute*

Senate amendment, but includes the provision in U.S. Code, title 49.

135. COMPUTER ASSISTED PASSENGER  
PRESCREENING SYSTEM (CAPPS2)*House bill*

No provision, but section 208 of H.R. 2144 requires TSA to certify that civil liberty and privacy issues have been addressed before implementing CAPPS 2 and requires GAO to assess TSA compliance one year after TSA makes the required certification.

*Senate amendment*

Requires DHS report in 90 days on privacy and civil liberties issues.

*Conference substitute*

House bill and Senate amendment, but requires the GAO report in the House bill to be submitted 3 months after TSA certification

## 136. ARMING CARGO PILOTS

*House bill*

No provision but section 1521 of H.R. 2144 allows cargo pilots to carry guns under the same program for pilots of passenger airlines. In addition, this provision revises the armed pilots program to do the following—

Make clear that pilot requalification to carry a gun can be done at either Federal or non-Federal facility

Establish a pilot program to provide firearms requalification training at various non-Federal facilities;

Permit an off-duty pilot to transport the gun in a lockbox in the passenger cabin rather than in the baggage hold; and

Permit flight engineers to participate in the Federal flight deck officer program.

*Senate amendment*

Similar provision but includes findings and sense of Congress and requires training of cargo pilots to begin in 90 days.

*Conference substitute*

Senate amendment, but instead of 90-day provision on training cargo pilots, Conferees included a provision that both passenger and cargo pilots should be treated equitably in their access to training.

## 137. TSA STAFFING LEVELS

*House bill*

No provision but section 206 of H.R. 2144 requires TSA to report to Congress in 30 days on its methodology for allocating screeners and equipment among airports.

*Senate amendment*

Section 409, eliminates the cap in the FY 03 Appropriations Act on the number of TSA screeners.

*Conference substitute**Senate amendment.*

## 138. FOREIGN REPAIR STATION SECURITY

*House bill*

No provision but section 1526 of H.R. 2144 requires security audits of all foreign repair stations within 1 year after TSA issues rules governing the audits. The rules must be issued within 180 days of enactment. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. TSA shall establish procedures for appealing such revocations. If the security audits are not completed within the required 1-year, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk.

*Senate amendment*

Defines domestic and foreign repair station. Within 180 days, FAA must issue rules to require foreign repair stations to meet the same level of safety as domestic repair stations. These rules shall require drug and alcohol testing and the same type and level of inspection as domestic repair stations.

Requires security audit within 180 days. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. If the security audits are not completed within the required 180 days, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk. Rules for security audits must be issued within 180 days. If they are not, no new foreign repair station can be certified and no existing one can have their certificate renewed until the rules are issued.

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones

*Conference substitute*

House bill except—Lengthened time to issue rule from 6 to 8 months. If TSA fails to meet this deadline, require a report within 30 days of the deadline explaining the reasons for failing to meet the deadline and the schedule for issuing the rule. Lengthened time for security audits from 12 to 18 months. Eliminated the provision that prohibits renewal of foreign repair station certificates if TSA has not met this 18-month

deadline but keep provision that no new stations can be certificated.

## 139. FLIGHT TRAINING

*House bill*

No provision, but section 1539 of H.R. 2144 requires background checks on aliens seeking flight training in aircraft with more than 12,500 pounds. Makes TSA responsible for the background check. Specifies the information that can be collected from the alien. Continues the 45-day waiting period. Continues to require security awareness training for employees. Requires, within 90 days, TSA to establish an expedited process that limits the waiting period to 48 hours for individuals who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training. Exempts from the waiting period those seeking recurrent training or ground training. Doesn't provide for fees.

*Senate amendment*

Requires background checks on aliens seeking flight training in any sized aircraft. Makes TSA responsible for the background check. Doesn't specify the info that can be collected. Reduces the waiting period to 30 days. Continues to require security awareness training for employees. Establishes a notification process for aliens who holds a visa and holds a pilot license from a foreign country or has previously undergone a background check. Exempts from the waiting period classroom instruction. Allows fees to be assessed for the background check. Fee cannot be more than \$100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. Report is required within 1 year

*Conference substitute*

For all training on small aircraft, includes a notification requirement but no waiting period. For training on larger aircraft, adopts the expedited procedure similar to the House bill if they already have training, a license, or a background check and adopts the 30-day waiting period as in the Senate bill for first-time training on large aircraft. Makes TSA responsible for the background check. The managers are disappointed in the amount of time that the Justice Department took to implement this program and on the burdensome requirements it has imposed. Therefore, the substitute specifies the information that can be collected from the alien. Reduces the waiting period to 30 days. Establishes a notification process for all aliens, even if they hold a visa, who seeks training on aircraft of 12,500 pounds or less. Requires, within 60 days, that TSA establish an expedited process that limits the waiting period to 5 days for aliens seeking training on aircraft of more than 12,500 pounds who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training.

Requires all others to go through the background check under the 30-day waiting period. Exempts from the process those seeking recurrent training or ground training or demonstration flights or classroom instruction as well as military trainees of the armed forces, including their contractors. Allows fees to be assessed for the background check. Fee cannot be more than \$100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall

provide fingerprint services to aliens. A report is required within 1 year. Continues to require security awareness training for employees.

140. REVIEW OF COMPENSATION CRITERIA UNDER STABILIZATION ACT

*House bill*

This section requires GAO to review the way airlines were compensated after 9/11 to determine whether they should be compensated for the devaluation of their aircraft.

*Senate amendment*

No provision.

*Conference substitute*

House bill, however study is on DOT criteria and procedures used to compensate airlines.

141. AIRLINE FINANCIAL CONDITION AND EXECUTIVE COMPENSATION

*House bill*

No provision.

*Senate amendment*

Requires semiannual GAO report on measures being taken by airlines to reduce costs and improve earnings and on total compensation, including stock options paid to airline executives.

*Conference substitute*

Requires a report.

142. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA

*House bill*

This section requires FAA to report to Congress on whether flights in Alaska can be operated under Part 91 of FAA rules even if passengers pay for some of the costs of operating the aircraft.

*Senate amendment*

No provision.

*Conference substitute*

Conferees agreed that due to the demands of conducting business within and from the State of Alaska, the FAA shall permit, where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide carriage of officials, employees, guests, and property of the company, or its affiliate. The substitute sets forth specific limitations on the carriage that is allowed.

143. USING AIP FOR REPLACEMENT OF BAGGAGE CONVEYER SYSTEMS

*House bill*

This section states that an airport can only use its AIP entitlement funds for airport terminal modifications to accommodate explosive detection systems. AIP discretionary funds will not be available for this purpose.

*Senate amendment*

Prohibits the use of AIP for this purpose.

*Conference substitute*

House bill.

144. USING AIP OR PFC FOR SECURITY

*House bill*

No provision, but section 44901(d)(2)(D)(ii) of H.R. 2144 deletes the requirement that airports unable to make the checked baggage screening deadline give priority to using AIP and PFCs for security projects.

*Senate amendment*

Amends section 308 of the Federal Aviation Reauthorization Act of 1996 to allow AIP and PFCs to be used for safety and security only if the improvement or equipment will be owned by the airport.

*Conference substitute*

Repeals section 308 of the Federal Aviation Reauthorization Act of 1996.

145. SECURITY OPERATING COSTS AT SMALL AIRPORTS

*House bill*

This section allows small airports to use their AIP entitlement funds in fiscal year 2004 to pay the operating costs required to meet new security requirements.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

146. WITHHOLDING OF DISCRETIONARY GRANTS

*House bill*

If an AIP discretionary grant is withheld from an airport on the grounds that the airport has violated a grant assurance, this section requires that the airport be given the same right to a hearing that it would have if the FAA had withheld an entitlement grant. This section does not require the FAA to give a discretionary grant to any particular airport.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

147. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES

*House bill*

Rather than depositing into the aviation trust fund the proceeds from the sale of land acquired as part of a noise compatibility program, this section allows an airport to retain those proceeds and use them to purchase non-residential property near residential property that was purchased as part of a noise compatibility program.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

148. GRANT ASSURANCES

*House bill*

If an airport owner and an aircraft owner agree that an aircraft hangar can be constructed at the airport at the aircraft owner's expense, subsection (a) requires the airport owner to grant a long-term lease, or at least 50 years, to the aircraft owner for that hangar. The lease may be subject to such terms and conditions on the hangar as the airport may impose.

*Senate amendment*

No provision.

*Conference substitute*

House bill but does not specify 50 years.

149. STATUTE OF LIMITATION ON REIMBURSEMENT REQUEST

*House bill*

Makes a governmental entity subject to the 6-year statute of limitations on making requests for reimbursement from an airport. Currently, only the airport sponsor is subject to this statute of limitations.

*Senate amendment*

Subsection (d) of section 507 is the same provision.

*Conference substitute*

House bill and Senate amendment.

150. SINGLE AUDIT ACT

*House bill*

Clarifies the review of revenue use through the annual audit activities under the Single Audit Act of Title 31.

*Senate amendment*

Subsection (e) of section 507 is the same provision.

*Conference substitute*

House bill and Senate amendment.

151. AIP FOR PARKING LOTS

*House bill*

Permits AIP grants to be used to build or modify a revenue generating parking facility at an airport if it is needed to comply with a security directive.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

152. ALLOWING AIP TO PAY INTEREST

*House bill*

Permits AIP grants to be used at small airports to pay the interest on a bond used to finance an airport project.

*Senate amendment*

No provision.

*Conference substitute*

House bill but included as one of the innovative financing techniques already in existing law.

153. ALLOWING AIP TO PAY TO MOVE BUILDINGS

*House bill*

Permits AIP grants to be used to pay the cost of moving a Federal building that is impeding an airport project to the extent the new building is similar to the old one

*Senate amendment*

No provision.

*Conference substitute*

House bill.

154. APPORTIONMENTS TO PRIMARY AIRPORTS

*House bill*

Lowers the entitlement for the largest airports by 5 cents for each passenger at that airport over 3.5 million in a year.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

155. ENTITLEMENT FOR FORMER PRIMARY AIRPORTS

*House bill*

Allows airports that fell below the 10,000 passengers in 2002 or 2003 to continue to receive their primary airport entitlement for two years if the reason for the passenger decrease was the terrorist attacks of 9/11.

*Senate amendment*

Allows airports that fell below 10,000 passengers in 2002 to continue to receive their primary airport entitlement for one more year without regard to the reason for the decrease.

*Conference substitute*

House bill.

156. CARGO AIRPORTS

*House bill*

This section increases the entitlement for airports with air cargo service from 3% of total AIP to 3.5%.

*Senate amendment*

Same provision.

*Conference substitute*

House bill and Senate amendment.

157. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS

*House bill*

This section restates the first five factors that FAA must consider in deciding whether to make a discretionary grant for a project to enhance capacity at an airport. The sixth consideration in current law is eliminated. This section also adds two additional factors for FAA to consider when making discretionary grants for all projects. One is where the project stands in the FAA's priority system. The second is whether work can begin on the project soon after the grant is made.

*Senate amendment*

Adds an additional consideration for cargo operations.

*Conference substitute*

House bill and Senate amendment.

## 158. FLEXIBLE FUNDING FOR AIP ENTITLEMENTS

*House bill*

Permits an airport sponsor to make AIP entitlement grants for one of its airports available to another one of its airports if that other airport is eligible to receive AIP grants. It also permits an airport to make an agreement with FAA to forego its entitlement if the FAA agrees to make the money foregone available for a grant to another airport in the same State or to an airport that the FAA determines is in the same geographical area.

*Senate amendment*

Same with respect to the second waiver dealing with the same State or geographical area.

*Conference substitute*

Senate amendment.

## 159. FLEXIBILITY FOR GENERAL AVIATION ENTITLEMENTS

*House bill*

Permits multiyear grants using the general aviation entitlement to the same extent that they are permitted using the primary airport entitlement. Permits retroactive use of the general aviation entitlement in the same way that the primary airport entitlement can be used. It also permits a general aviation airport to use its AIP entitlement for revenue producing facilities, such as building fuel farms and hangars, if the airport certifies that its airside needs are being met. Permits a general aviation airport to use its AIP entitlement for terminal development. Section 513. Use of apportioned amounts, subsection (a) allows general aviation airports to carry over their entitlements for 3 years rather than two.

*Senate amendment*

Same provision.

*Conference substitute*

House bill and Senate amendment.

## 160. NOISE SET-ASIDE

*House bill*

Broadens the purposes for which noise set-aside funds may be used to include projects approved in an environmental Record of Decision and projects to reduce air emissions.

*Senate amendment*

Increases the percent for grants to 35%. Only allows for funding for noise mitigation committed to in ROD for National Capacity Projects, versus House that allows funding for mitigation in any ROD. Also, does not have funding for new land compatibility and CAA initiatives.

*Conference substitute*

House bill and Senate amendment with minor technical corrections.

## 161. PURCHASE OF AIRPORT DEVELOPMENT RIGHTS

*House bill*

No provision.

*Senate amendment*

Establishes a pilot program at 10 privately owned public use airports permitting the use of their entitlement to purchase development rights to ensure that the property will continue to be used as an airport.

*Conference substitute*

Senate amendment.

## 162. GARY, INDIANA

*House bill*

No provision.

*Senate amendment*

Requires FAA to give priority to request for a letter of intent for Gary.

*Conference substitute*

No provision. The Conferees are aware that there are numerous requests for LOI's and urges the FAA to respond as expeditiously as possible to such applications.

## 163. RELIEVER AIRPORTS SET-ASIDE

*House bill*

Eliminates the special set-aside for reliever airports.

*Senate amendment*

No provision.

*Conference substitute*

Senate amendment.

## 164. UNUSED AIP FUNDS

*House bill*

Allows AIP grant funds that are not spent by an airport to be recovered by the FAA and used for a grant to another airport notwithstanding any obligation limitation in an appropriations act.

*Senate amendment*

Subsection (b) of section 507 is the same provision worded somewhat differently.

*Conference substitute*

Senate amendment.

## 165. MILITARY AIRPORT PROGRAM

*House bill*

Increases from \$7 million to \$10 million the amount that an airport designated under the military airport program can use for terminal development, parking lots, fuel farms, or hangar construction. Allows an airport designated under the military airport program to use money it receives under that program or from its entitlement for reimbursement for construction of a terminal, parking lot, hangar, or fuel farm.

*Senate amendment*

No provision.

*Conference substitute*

House bill, but the allowable amount is increased to \$10 million for only 2 years.

## 166. TERMINAL DEVELOPMENT COSTS

*House bill*

This section restates two provisions in current law that permits reimbursement for terminal development costs and adds a third provision. The third provision allows a small airport that is designated under the military airport program at which terminal development is carried out between January 2003 and August 2004 to use AIP money to repay money borrowed to build that terminal.

*Senate amendment*

Reduces the waiting period for an airport that has used AIP to repay the cost of terminal development from 3 years to 1 year before they can use AIP again for terminal development.

*Conference substitute*

House bill and Senate amendment.

## 167. AIRPORT SAFETY DATA COLLECTION

*House bill*

This section allows FAA to use AIP money to enter into a sole source contract with a private entity to collect airport safety data.

*Senate amendment*

Same provision.

*Conference substitute*

House bill.

## 168. AIRPORT PRIVATIZATION PILOT PROGRAM

*House bill*

Allows a proposed airport privatization to proceed if it is approved by 65% of the sched-

uled U.S. airlines serving the airport rather than by 65% of all scheduled and charter airlines serving the airport. With respect to a general aviation airport, approval must be by 65% of the owners of aircraft based at the airport, as determined by the Secretary. If an airline has not filed an objection within 60 days, it will be considered to have approved the proposed privatization.

*Senate amendment*

No provision.

*Conference substitute*

House bill, but applied only prospectively.

## 169. FEDERAL SHARE

*House bill*

Eliminates the provision that limits the Federal share of a discretionary grant for a privatized airport to 40%.

*Senate amendment*

Increases Federal share to 95% for AIP grants in 2004 to small airports. Allows a different Federal share for projects in State with a significant amount of public land.

*Conference substitute*

Senate amendment, but for 4 years. Increases the Federal share of a discretionary grant for a privatized airport to 70%.

## 170. INNOVATIVE FINANCING TECHNIQUES

*House bill*

This section allows 12 more grants for innovative financing techniques to be issued but eliminates payment of interest and commercial bond insurance as permitted techniques since those are now covered by section 508(b). It adds payment of interest for large airports as a permitted technique.

*Senate amendment*

No provision.

*Conference substitute*

Payment of interest for small airports is put back into the innovative financing section. Instead of allowing AIP to be used by large airports for payment of interest, the substitute allows PFCs to be used for this purpose.

## 171. AIRPORT SECURITY PROGRAM

*House bill*

This section directs the FAA to continue to administer the program to test and evaluate innovative aviation security systems and technologies at airports even though most security responsibilities have been transferred to the Department of Homeland Security.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 172. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE

*House bill*

Requires DOT and EPA to ensure that an airport will receive appropriate emission credits for carrying out a project that will reduce emissions at that airport. Directs DOT to carry out a pilot program at no more than 10 airports under which an airport may use AIP grants of not more than \$500 thousand to retrofit equipment used at the airport so that they produce lower emissions. Makes projects that will reduce emissions at airports eligible for AIP grants. States that with respect to low-emission equipment that is not already eligible to be purchased with AIP funds, the only portion of the cost that is eligible to be paid for with AIP funds is the portion that the FAA determines represents the increase in the cost of the low-emission equipment over a similar piece of equipment that is not low-emission. Defines low-emission equipment.

*Senate amendment*

Adds that the DOT and EPA shall issue guidance on eligible low-emission modifications and improvements and how sponsors will demonstrate benefits.

*Conference substitute*

House bill and Senate amendment.

## 173. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

*House bill*

This section would allow the FAA to use AIP funds to make grants to States and localities for land use planning near airports so that the communities may make the use of land in their jurisdictions more compatible with aircraft operations. Conditions are imposed to avoid undermining the efforts of the airport. This provision expires in 4 years.

*Senate amendment*

Ties funding for land use planning to national capacity projects only, as opposed to a broader universe of large and medium hubs in House bill. No sunset provision. Would apply to airports even if they have a current Part 150 program.

*Conference substitute*

House provision with changes to ensure that an airport sponsor is involved in the compatible land use planning and compatible land use projects process. The Managers believe that it is essential that the airport sponsor have the ability to enter into an agreement with the State or local government to develop a land use compatibility plan and that the parties should jointly approve the compatible land use plan.

## 174. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION

*House bill*

This section requires FAA to pay rent for the space that it uses at airports. Exceptions are provided for agreements that might be negotiated with the airport and for land and facilities needed to House air traffic controllers. TSA covered by section 1527 of H.R. 2144.

*Senate amendment*

Similar provision but it also covers TSA use of airport space.

*Conference substitute*

No provision.

## 175. MIDWAY ISLAND AIRPORT

*House bill*

Finds that the airport on Midway Island is critical to the safety of flights over the Pacific Ocean. Directs DOT to enter into an MOU with other government agencies to facilitate the sale of fuel at the airport to help it become self-sufficient. Allows the airport to transfer its navigation aids to the FAA and requires the FAA to operate and maintain them. Makes aviation trust fund money available to the Interior Department for capital projects at the airport.

*Senate amendment*

Allows the Department of the Interior to act as a public agency for the purposes of sponsoring grants for an airport that is required to be maintained for safety at a remote location. Section 510(a) is similar to subsection (b) of the House bill. Section 510(b) is similar to subsection (c) of the House bill.

*Conference substitute*

House bill, with changes to how funding will be made available to the Secretary of the Interior. It will be done by a reimbursable agreement rather than a grant. Conferees feel strongly that all of the Federal agencies involved in the administration of Midway Island should work cooperatively to ensure there is a working airfield.

## 176. INTERMODAL PLANNING

*House bill*

Requires medium and large hub airports building a new airport, new runway, or runway extension to make available to any metropolitan planning organization (MPO) in the area a copy of the airport layout plan and airport master plan.

*Senate amendment*

No provision.

*Conference substitute*

House bill.

## 177. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT

*House bill*

Requires DOT to report within 6 months on whether the airport at the Marshall Islands should get a grant under the AIP.

*Senate amendment*

No provision.

*Conference substitute*

Makes the sponsors of airports located in the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau eligible for grants from the Airport Improvement Program Discretionary Fund and Small Airport Fund for fiscal years 2004 through 2007. Conferees have made the entities in section 188 eligible for AIP funding. The Conferees believe that FAA should strongly consider an application for AIP funds by any one of the entities.

## 178. REPORT ON WAIVER OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES

*House bill*

Requires DOT, within 90 days, to list all waivers granted from the Buy America Act since the date of enactment of that Act and the authority and rationale for that waiver.

*Senate amendment*

No provision.

*Conference substitute*

House bill but limited to waiver granted during the previous 2 years.

## 179. EXTENSION OF EXPENDITURE AUTHORITY

*House bill*

Allows grants to be made from the aviation trust fund for the purposes specified in this Act.

*Senate amendment*

Similar provision but adds a conforming amendment to section 9502(f).

## CONFERENCE SUBSTITUTE

Senate amendment plus additional language making a technical correction to the domestic flight segment portion of the airline ticket tax. Beginning with calendar year 2003, the domestic flight segment portion of the airline ticket tax is adjusted for inflation annually. The technical correction clarifies that, in the case of amounts paid for transportation before the beginning of the year in which the transportation is to occur, the rate of tax is the rate in effect for the calendar year in which the amount is paid. The provision is effective for flight segments beginning after December 31, 2002.

The Managers strongly encourage the FAA and the Occupational Safety and Health Administration to continue to work under the framework established in the August 2000 Memorandum of Understanding and establish a coordination mechanism to determine which existing and future OSHA regulations can be applied to an aircraft in operation without compromising aviation safety.

The Managers are aware of concerns about the impact of aircraft noise on residential areas, including those surrounding the communities of the four airports of the Port Au-

thority of New York and New Jersey (PANYNJ). Although the FAA determined that aircraft noise pollution was the strongest and most widespread concern raised by the public at its twenty-eight public scoping meetings in five states in 2001, the PANYNJ has not undertaken action to mitigating residential complaints in the neighborhoods surrounding its airports. Therefore, it is the hope of the Conference Committee that the PANYNJ will work in good faith with the New York and New Jersey Congressional delegations to address these issues, including undertaking a part 150 study to qualify for Federal residential soundproofing dollars or to begin undertaking residential soundproofing in the most affected areas in the footprint with particular focus on the neighborhoods surrounding LaGuardia Airport.

The Managers strongly encourage the FAA to work with state aviation agencies and universities to develop a national, innovative program that would offer practical training and information resources for those who operate, maintain, and administer public use airports across the nation on topics such as pavement maintenance, snow and ice control, project development and funding, wildlife control and safety and operations. To further this program, the Committee recommends that FAA consult with state aviation agencies and universities that have created similar programs for general aviation airports in their state.

The legislation includes a section that amends section 4(b) of the Rivers and Harbors Appropriations Act of 1884 to clarify that the restriction in that section with respect to taxes on vessels or other water craft does not apply to property taxes on vessels or water craft, other than vessels or water craft that are primarily engaged in foreign commerce, so long as those taxes are constitutionally permissible under long-standing judicial interpretations of the Commerce Clause. To assure the consistent application of legal principles concerning non-Federal taxation of interstate transportation equipment, the amendment in this section is effective as of November 25, 2002. Over the years, the U.S. Supreme Court has ruled on the constitutionality of property taxes on various forms of interstate and international transportation equipment in a number of cases, including but not limited to *Pullman's Palace Car Co. v. Pennsylvania*, 141 U.S. 18 (1891) (railroad rolling stock); *Ott v. Mississippi Valley Barge Line Co.*, 336 U.S. 169 (1949) (barges on inland waterways); and *Braniff Airways, Inc. v. Nebraska State Board of Equalization*, 347 U.S. 590 (1954) (domestic aircraft); *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274 (1977); and *Japan Line v. County of Los Angeles*, 441 U.S. 434 (1979). This line of decisions has sustained property taxes in interstate transportation cases when the tax is applied to an activity with a substantial nexus with the taxing entity, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the taxing entity. The exception for state and local taxes on vessels or watercraft that are primarily engaged in foreign commerce implements the holding of the *Japan Line* case. The committee notes that section 4(b) does not affect whether sales or income taxes are applicable with respect to vessels. The purpose of section 4(b) was to clarify existing law with respect to Constitutionally permitted fees and taxes on a vessel, but also to prohibit fees and taxes imposed on a vessel simply because that vessel sails through a given jurisdiction.

The Managers are aware of the concerns raised about the recent increase in shipment interruptions during the transportation of essential radiopharmaceuticals due to new air transportation security mandates. The

Committee recommends that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, review current procedures for shipment of radio-pharmaceuticals and recommend actions to ensure the timely delivery of them. If the Secretary of DHS undertakes this study, the Secretary shall also submit recommendations to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the actions taken to ensure that timely delivery of these medical products by commercial aircraft no later than 180 days after the enactment of the Act. From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,  
JOHN L. MICA,  
VERNON J. EHLERS,  
ROBIN HAYES,  
DENNY REHBERG,  
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,  
JOE BARTON,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,  
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,  
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,  
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committee to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667 and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,  
DANA ROHRBACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,  
DAVE CAMP,

*Managers on the Part of the House.*

JOHN MCCAIN,  
TED STEVENS,  
CONRAD BURNS,  
TRENT LOTT,  
KAY BAILEY HUTCHISON,

*Managers on the Part of the Senate.*

#### PRISON RAPE ELIMINATION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local insti-

tutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, 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 Wisconsin?

Mr. SCOTT of Virginia. Mr. Speaker, reserving the right to object, and I will not object, however, I do want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the gentleman from North Carolina (Mr. COBLE), for their hard work in getting the bill to the floor, and especially to my good friend and colleague, the gentleman from Virginia (Mr. WOLF), for developing the bill and introducing it with me.

I should also thank the House leadership and Senators KENNEDY and SESSIONS whose bill we consider today.

Mr. Speaker, I want to first express my appreciation to Chairman SENSENBRENNER for the heavy lifting he did to get this bill before us today. Not only did he make it clear that this matter was of the highest priority to him, but he directed his staff to get with everybody necessary to expeditiously develop a bill that we all could support. A reflection of his commitment to expediting this legislation is his agreement, despite his reluctance, to take up the Senate bill for House Floor consideration instead of our Committee bill. So, I want to thank and commend you, Mr. Chairman for your commitment to this legislation and your excellent and expeditious stewardship of this matter to this point.

I would also like to thank my friend and our Ranking Member, JOHN CONYERS, the gentleman from Michigan, for his support and assistance on this bill. And the leadership and determination of my Subcommittee Chairman and good friend, HOWARD COBLE, the gentleman from North Carolina, must also be recognized. From the moment this matter hit the Subcommittee agenda, his strong and persuasive impact was felt in having it move forward. It was a pleasure to work with you on this, Howard. I must also thank Speaker HASTERT, Majority Leader TOM DELAY and Minority Leader NANCY PELOSI for their strong support and accommodations in assisting this legislation to this point.

Of course, the spirit, purpose, and soul of this bill is personified in the efforts of its chief sponsor in the House, my friend and colleague FRANK WOLF, the gentleman from Virginia. The passion and dedication he has given to this effort has fueled us all.

Prison rape has been shown to have a devastating impact on our prisons.

Not only does it cause severe physical and psychological trauma to its victims, but prison rape is recognized as a contributing factor to prison homicide, violence against staff, and institutional riots. Prison rape also increases the transmission of HIV/AIDS, other sexually transmitted diseases, tuberculosis, and hepatitis B and C—all of which exist at a very high rate within U.S. prisons and jails.

Prison rape is a problem of sizable scope. Of the 2 million people incarcerated today, it

is estimated that one in ten, or roughly 200,000, are victims of prison rape. And youths in adult prisons are 5 times more likely to be raped than adults. Yet, because it occurs in prison, like most other aspects of prison life, prison rape is, essentially, ignored as a societal problem.

And society pays dearly for ignoring prison rape. Inmates, often non-violent first time offenders, come out of a prison rape experience severely traumatized and leave prison not only more likely to commit crimes, but far more likely to commit violent crimes than when they entered. And the high incidence of rape within prison which leads to the increased transmission of HIV, hepatitis and other diseases there, in turn, increases the incidences of these dreaded diseases and it imposes threats and costs to society at large.

Prison rape is a crime with constitutional implications. The Supreme Court held in *Farmer v. Brennan* that deliberate indifference to the risk of prison rape violates the Eighth and Fourteenth Amendments to the United States Constitution. While prison conditions may be "restrictive and even harsh," prison and jail officials "must take reasonable measures to guarantee the safety of the inmates."

The bill requires an annual statistical study of the incidence of rape in a significant number of federal, state and county prisons and jails, and public reviews of institutions where the rate of prison rape is 30% above the national average rate. It also establishes a clearinghouse for complaints of prison rape to assist prevention and prosecution, and provide training and assistance to prison and jail officials. Further, the bill establishes a program to provide grants, from a total authorization of \$40 million each year, to state and local governments and institutions for the purpose of enhancing the prevention and punishment of prison rape.

The bill also provides for the establishment of a Commission to develop standards for addressing and eliminating prison rape, and finally, the bill requires prison accreditation organizations to examine prison rape prevention practices as a critical component of their accreditation reviews.

In the end, and perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of prison torture—the infliction of severe emotional and physical pain as punishment and coercion. Long after bodies have healed, the emotional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters.

Whatever their crimes and whatever the prescribed punishment for them, in a humane society prison rape should not be a part of it. Prison rape not only derails justice—it destroys human dignity.

Again, I would like to thank Chairman SENSENBRENNER, Chairman COBLE, and Chairman WOLF, the chief Sponsor of the bill in the House, for their dedication and diligent work on this issue. I would also like to thank Senator TED KENNEDY and Senator JEFF SESSIONS, the chief sponsors of the Senate bill. A reflection of the work they have done on this issue over the past 2 Congresses is the fact that it passed the Senate unanimously and in record time.

Further, I must thank the originators of this effort—Michael Horowitz of the Hudson Institute and Vinnie Schraldi of the Justice Policy Institute, for their vision, leadership and dedication in bringing this matter to the forefront

and keeping it going. They developed and led the amazingly diverse coalition supporting this bill, that is listed at the end of these remarks for the record. And I thank our staff—Katy Crooks, Bobby Vassar and Chief Counsel Jay Apperson of the Subcommittee, Robert Toone of Senator KENNEDY's office and Andrea Sanders of Senator SESSIONS office, Nathaniel Zylstrap of Hudson Institute, and, of course, Committee Chief Counsel, Phil Kiko, whose heavy hand directed the staff effort, for their yeoman-like work on this bill.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this bill.

This bill is about changing attitudes in America's prisons and in America as a whole. In our country, prison rape occurs frequently, but unfortunately it is often viewed as a fact of prison life. We know these crimes are occurring, but most people would really rather not discuss this unpleasant topic.

Unpleasant as it may be, prison rape is a serious problem that harms prisoners and also effects our communities. This problem is brought to bear on our communities through higher health costs for increased HIV and tuberculosis in prisons. It is brought to bear on our communities by the emotional and psychological problems it creates in the prisoners who will one day be released back into society. This Congress has decided enough is enough. It is time for us to stop ignoring this problem.

S. 1435 as offered on the floor today represents a bipartisan effort to address this problem in a meaningful way and bring some accountability into America's prisons and jails. It is intended to make prevention and prosecution of sexual assault within correctional facilities a priority for Federal, State and local institutions and require the development of national standards for detection, prevention, reduction, and punishment of these incidents. S. 1435 will help to eliminate prison rape in a number of ways.

First, this legislation will require the Department of Justice, for the first time, to collect data and statistics on the incidence of prison rape. For the first time we will be collecting information on an annual basis to determine the extent of this problem. This is the first step in our effort to address this problem.

Additionally, the legislation requires the Attorney General to develop national standards on the prevention and prosecution of prison rape.

A state that receives Federal funds for prisons and jails will need to comply with these national standards or shift 5 percent of its funds from the Federal Government for its prisons to comply with the standards.

Finally, this legislation will establish a new grant program for the Attorney General to make one year grants to State and local governments to prevent, investigate, and punish prison rape or to help in addressing prisoner and community safety issues in states facing budget crises.

Before closing, I would note that this legislation is substantively identical to H.R. 1707, introduced by Congressman WOLF, and reported by the Judiciary Committee earlier this month. I believe this legislation will go a long way towards eliminating this very serious safety

issue in our prisons and I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time under my reservation, I again want to thank the chairman of the committee, and I hereby submit for the RECORD a statement on the bill as well as a letter in support of the legislation from a long list of organizations.

APRIL 18, 2003.

DEAR MR. SPEAKER, SENATOR FRIST, SENATOR DASCHLE, MAJORITY LEADER DELAY, AND MINORITY LEADER PELOSI: We write to strongly urge your support for the Sessions-Kennedy-Wolf-Scott Prison Rape Reduction Act of 2003, H.R. 1707.

Those of us who have signed this letter have many disagreements on public policy matters, including a variety of issues relating to criminal law and punishment. But we are united in our unyielding determination to end the scourge of prison rape and to enact the Sessions-Kennedy-Wolf-Scott bill.

Of the 2 million prisoners in the U.S., a conservative estimate is that one in 10 has been raped—more than 200,000 inmates! Further conservative research indicates that inmates who are sexually assaulted are also victimized, on average, nine additional times during their incarceration. In addition, incarcerated youths are more likely to be raped than are adult inmates and, when they are, more likely to be acutely victimized and shattered.

The Sessions-Kennedy-Wolf-Scott bill is a moderate and necessary response to this crisis. It is designed to eliminate prison rape in a manner that is respectful of the primary role of States and local governments in administering correctional institutions and of the federal government's obligation not to impose unfunded mandates on them and to make the problem more fully visible to the American people and those who can combat it. Additionally, the legislation has been carefully drawn to ensure comprehensive study and reporting of prison rape, and to reverse perverse prison administration incentives that now often make it exceedingly difficult for prison officials to engage in priority efforts to abate prison rape.

The Sessions-Kennedy-Wolf-Scott bill is not only a means of protecting inmates. Society pays dearly for ignoring prison rape. Clearly, prison rape costs taxpayers greatly in recidivism and increased violent crime and thus negates federal programs designed to reduce the incidence of crime. Inmates, often non-violent first time offenders, come out of a prison rape experience severely traumatized and thus leave prison far more violent than when they entered. The high incidence of rape within prison also leads to the increased transmission of HIV, hepatitis and other diseases, which in turn imposes costs on all of society.

Fighting prison rape is also affirmatively mandated by the Constitution. As distinguished from federal programs designed to address problems ranging from teenage drinking to declining education standards, the Sessions-Kennedy-Wolf-Scott bill deals with plenary and constitutionally inescapable federal responsibilities—this in light of the determination of a near unanimous Supreme Court in *Farmer v. Brennan* that deliberate indifference to prison rape violates the 8th Amendment's cruel and unusual punishment provisions.

In the end, perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of torture—the infliction of severe emotional and physical pain as punishment and coercion. And, long after bodies have healed, the emo-

tional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters. Thus, prison rape not only derails justice—it destroys human dignity.

The Sessions-Kennedy-Wolf-Scott bill offers great hope that the brutality of prison rape can be sharply curtailed, and our joint effort to enact it is thus a coalition of conscience rather than convenience. As such, we take heart from the Speaker's strong endorsement of the bill, and are determined to see its effective, moderate provisions rapidly brought into effect. As men and women of good will we will not rest while the violence of prison rape continues, and we strongly urge you to join us in an effort also certain to bring credit on the United States at a moment when America's need to show its commitment to democratic values has never been higher.

Working with the bill's sponsors, we stand ready to meet with you at your earliest convenience. If you would like additional information or have any questions please contact Marian Bell, National Policy Director for Prison Fellowship Ministries, at (703) 478-0100 ext. 3630 or Vincent Schiraldi, President, Justice Policy Institute, at (202) 363-7847.

Very truly yours,

American Values  
 Amnesty International USA  
 Center for Religious Freedom  
 Christian Coalition  
 Concerned Women of America  
 Focus on the Family  
 Human Rights and the Drug War  
 Human Rights Watch  
 Institute on Religion and Democracy  
 Justice Policy Institute  
 Kids First Coalition  
 NAACP  
 National Association of Evangelicals  
 National Center for Neighborhood Enterprise  
 National Center on Institutions and Alternatives  
 National Council of La Raza  
 Open Society Policy Center  
 Prison Fellowship  
 Salvation Army  
 Southern Baptist Convention  
 Stop Prisoner Rape  
 The Sentencing Project  
 Tradition, Family, Property Inc.  
 Unitarian Universalists for Juvenile Justice  
 Youth Law Center  
 Federal CURE, Inc.  
 MALDEF  
 American Probation and Parole Association  
 Alliance for Children and Families  
 Religious Action Center of Reform Judaism  
 Physicians for Human Rights  
 National Association of Sentencing Advocates (NASA)  
 Penal Reform International  
 Aleph Institute  
 Presbyterian Church USA  
 Union of American Hebrew Congregations

Mr. WOLF. Mr. Speaker, I am pleased to rise in support of H.R. 1707, the Prison Rape Reduction Act of 2003 which I introduced with my Virginia colleague Representative BOBBY SCOTT. Similar legislation S. 1435, sponsored by Senator SESSIONS and Senator KENNEDY, passed the Senate earlier this week. I am encouraged that both the Senate and now the House have taken action on this bill and have moved a step closer to reducing sexual assault in prisons.

I want to thank the chairman of the Judiciary Committee, Representative JAMES SENSENBRENNER, for his assistance with this legislation. It is due largely to his efforts and interest in this bill that we are on the floor today to pass. This bill, which is essential to reversing the increasing numbers of prisoners who are sexually assaulted.

Not often discussed, prison rape is a cruel act which has been ignored for too long. Survivors of prison rape often bear physical and emotional scars from their experiences for their entire lives. Moreover, if we allow this problem to continue, we will be allowing increased recidivism, prison unrest, and the spread of disease—all byproducts of prison rape—to continue unabated. Reducing sexual assault in prison will reduce the numbers of prisoners who when released will go back into the community and commit crimes again.

Prison rape occurs every day. For example, just last month, a 19-year-old college student in Florida, in jail on marijuana charges, was raped by a cell mate who was being held on charges of sexual battery. This rape occurred within hours of the student being placed in his cell. There are thousands of other stories of prisoners being raped in prison.

The legislation before us today will facilitate the study of prison rape, allow hearings on the impact of prison rape on inmates and society, and create national standards for preventing prison rape.

It is important to be tough on crime, but turning a blind eye to prison rape has nothing to do with being tough on crime; it has everything to do with treating people humanely, reducing recidivism, and halting the spread of disease. Recently a number of prison rape survivors spoke her in Washington to explain how prison rape harmed them. These were gripping stories, and I have previously entered them into the RECORD. Today the House can pass legislation to help curb prison rape and reduce the needless suffering and additional punishment of prisoners. I urge my colleagues to support this legislation.

There have been many individuals responsible for moving this legislation through Congress. I wish to thank Rep. BOBBY SCOTT of Virginia, who co-sponsored this legislation, and Bobby Vassar of his staff. Senator KENNEDY and Senator SESSIONS were the Senate co-sponsors of this bill and their leadership is greatly appreciated, along with the hard work of their staffers, Robert Toone and Andrea Sanders respectively. Representative HOWARD COBLE, chairman of the Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security, and his counsel, Katy Crooks who helped guide this legislation through their subcommittee, and Phil Kiko, Jay Apperson, and Joseph Gibson on the full committee, were very supportive along with Chairman JAMES SENSENBRENNER.

The Speaker of the House, J. DENNIS HASTERT, and Margaret Peterlin in the Speaker's office have been of great assistance in moving this bill. Majority Leader TOM DELAY, and his staffer, Carl Thorsen have been invaluable in getting this bill through the final hurdles and onto the floor of the House.

There are others who need to be thanked. First and foremost, I must thank Michael Horowitz of the Hudson Institute has been the guiding force behind this legislation; his foresight and dedication to this issue are incomparable. Nathaniel Zylstra, Mr. Horowitz's assistant, has also provided valuable help. There are others outside Capitol Hill who played a role in this legislation. They are: Vince Schiraldi, Justice Policy Institute; Mariam Bell, Prison Fellowship; Mike Thompson, Council on State Governments; Paul Rosenzweig, Heritage Foundation, principal drafter of the bill; Ed Haden, formerly of Senator SESSIONS' office;

Gene Guerrero, Open Society Institute; Marian Zapata-Rossa, National Council of La Raza; Ben Jealous, Amnesty International; Hilary Shelton, NAACP; Linda Chavez, Center for Equal Opportunity, who first came up with the concept for this bill; John Kaneb, private businessman and a passionate backer of our efforts; David Saperstein, the Religious Action Center; Wendy Patten, Human Rights Watch; Prison Fellowship, specifically Mark Earley, Kate Fowler and Chuck Colson; Pat Nolan, Justice Fellowship; Rich Cizik, National Association of Evangelicals; Barrett Duke and Shannon Royce, Southern Baptist Convention; Salvation Army, specifically Richard Land, George Hood, Todd Bassett; Rich Lowry, National Review; Jennie Osmer, Cal Skinner, former State Senator in Illinois; Micah Solomon, Virginia businessman; Charles Sullivan, Citizens United for Alternatives to the Death Penalty; David Whettstone, Mennonite Central Committee; Cindy Struckman-Johnson, University of South Dakota; Bob Dumond, licensed clinical mental health counselor, Frank Hall, who headed six prison systems; Tom Cahill, co-founder, and Lara Stemple, Stop Prison Rape.

Finally, I wish to thank John Martens of the House Appropriations subcommittee on Commerce-Justice-State; Daniel Scandling, my chief of staff; Janet Shaffron, my legislative director; Neil Siefiring, my legislative assistant for Judiciary issues; and Chris Santora, a former legislative assistant in my office who worked hard on this issue in the early days of the bill's history.

Mr. SCOTT of Virginia. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1435

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Prison Rape Elimination Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. National prison rape statistics, data, and research.
- Sec. 5. Prison rape prevention and prosecution.
- Sec. 6. Grants to protect inmates and safeguard communities.
- Sec. 7. National Prison Rape Reduction Commission.
- Sec. 8. Adoption and effect of national standards.
- Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
- Sec. 10. Definitions.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the

extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in state prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic

steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these Federally funded grant programs are compromised by the failure of State officials to adopt policies and procedure that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

### SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

### SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.

#### (a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the "Bureau") shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any year shall not preclude its selection for sampling in any subsequent year.

(5) SURVEYS.—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) PARTICIPATION IN SURVEY.—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) REVIEW PANEL ON PRISON RAPE.—

(1) ESTABLISHMENT.—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the "Panel").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) QUALIFICATIONS.—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) PUBLIC HEARINGS.—

(A) IN GENERAL.—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) TESTIMONY AT HEARINGS.—

(i) PUBLIC OFFICIALS.—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) VICTIMS.—The Panel may request the testimony of prison rape victims, organizations representing such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS.—

(i) ISSUANCE.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS.—

(1) IN GENERAL.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS.—In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONS.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

#### SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.

(a) INFORMATION AND ASSISTANCE.—

(1) NATIONAL CLEARINGHOUSE.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) TRAINING AND EDUCATION.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) REPORTS.—

(1) IN GENERAL.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

#### SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) GRANTS AUTHORIZED.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection,

and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.—The amount of a grant under this section may not exceed \$1,000,000.

(3) MATCHING.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) REPORTS BY GRANTEE.—

(1) IN GENERAL.—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) DISSEMINATION.—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) STATE DEFINED.—In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for grants under this section \$40,000,000 for each of fiscal years 2004 through 2010.

(2) LIMITATION.—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

#### SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the "Commission").

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(C) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penological, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidi-

vism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their

homes or regular places of business in the performance of service for the Commission.

(2) **DETAIL OF FEDERAL EMPLOYEES.**—With the affirmative vote of  $\frac{2}{3}$  of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) **CONTRACTS FOR RESEARCH.**—

(1) **NATIONAL INSTITUTE OF JUSTICE.**—With a  $\frac{2}{3}$  affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) **OTHER ORGANIZATIONS.**—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) **SUBPOENAS.**—

(1) **ISSUANCE.**—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) **ENFORCEMENT.**—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) **CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.**—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of  $\frac{2}{3}$  of the Commission.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) **TERMINATION.**—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) **EXEMPTION.**—The Commission shall be exempt from the Federal Advisory Committee Act.

## SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) **PUBLICATION OF PROPOSED STANDARDS.**—

(1) **FINAL RULE.**—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) **INDEPENDENT JUDGMENT.**—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) **LIMITATION.**—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) **TRANSMISSION TO STATES.**—Within 90 days of publishing the final rule under para-

graph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operation in one or more prisons.

(b) **APPLICABILITY TO FEDERAL BUREAU OF PRISONS.**—The national standards referred to in subsection (a) shall apply to the Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) **ELIGIBILITY FOR FEDERAL FUNDS.**—

(1) **COVERED PROGRAMS.**—

(A) **IN GENERAL.**—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) **LIST.**—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) **ADOPTION OF NATIONAL STANDARDS.**—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

(3) **REPORT ON NONCOMPLIANCE.**—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) **COOPERATION WITH SURVEY.**—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) **REDISTRIBUTION OF AMOUNTS.**—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) **IMPLEMENTATION.**—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) **EFFECTIVE DATE.**—

(A) **REQUIREMENT OF ADOPTION OF STANDARDS.**—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

(B) **REQUIREMENT FOR COOPERATION.**—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

## SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.

(a) **ELIGIBILITY FOR FEDERAL GRANTS.**—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) **REQUIREMENTS.**—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

## SEC. 10. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) **CARNAL KNOWLEDGE.**—The term “carnal knowledge” means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) **INMATE.**—The term “inmate” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) **JAIL.**—The term “jail” means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges; or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) **HIV.**—The term “HIV” means the human immunodeficiency virus.

(5) **ORAL SODOMY.**—The term “oral sodomy” means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) **POLICE LOCKUP.**—The term “police lockup” means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) **PRISON.**—The term “prison” means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) **PRISON RAPE.**—The term “prison rape” includes the rape of an inmate in the actual or constructive control of prison officials.

(9) **RAPE.**—The term “rape” means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) **SEXUAL ASSAULT WITH AN OBJECT.**—The term "sexual assault with an object" means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) **SEXUAL FONDLING.**—The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) **EXCLUSIONS.**—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

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. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill S. 1435.

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

There was no objection.

#### BARBARA B. KENNELLY POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 2746) to designate the facilities of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building," and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2746

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

#### SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the "Barbara B. Kennelly Post Office Building".

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barbara B. Kennelly Post Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATIONAL MARINA DAY

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 323) supporting the goals and ideals of National Marina Day, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. THOMPSON of California. Mr. Speaker, reserving the right to object, and I do not intend to object, however, I would like to yield to the gentleman to explain his unanimous consent request.

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

Mr. THOMPSON of California. I yield to the gentleman from Nevada.

Mr. PORTER. Mr. Speaker, the resolution is referring to marinas across the United States of America and the impacts they have on the economy. We are having a day in Nevada, at Lake Mead, to honor the marinas on August 9, and I invite everyone to be in attendance.

Mr. THOMPSON of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 323

Whereas Americans place a high value on recreation time and the ability to access one of the United States' greatest natural resources, its waterways;

Whereas, in 1928, the word "marina" was adopted by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and their guests;

Whereas marinas help preserve their environments by protecting the surrounding waterways, permitting not only this generation but future generations to enjoy these precious natural resources;

Whereas the Nation's marinas provide their communities and visitors with a place

where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation;

Whereas more than 140,000 people are employed at marinas, which create jobs and generate tax revenues for their communities;

Whereas the Marina Operators Association of America has proclaimed August 9, 2003, to be National Marina Day: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National Marina Day;

(2) recognizes America's marinas for their many contributions to their local communities; and

(3) urges all Americans to become more aware of the overall contributions marinas make to the well-being of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. DREIER. 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 consideration of H.R. 2765, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except section 119.

The amendment printed in House Report 108-230 may be offered only by the gentleman from Virginia (Mr. TOM DAVIS) and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable 40 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed

in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of 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 one motion to recommit with or without instructions.

And, Mr. Speaker, I ask unanimous consent that House Resolution 334 be laid on the table.

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

There was no objection.

□ 1845

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY, SEPTEMBER 3, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 3, 2003.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO  
TUESDAY, JULY 29, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

FAREWELL AND GODSPEED TO  
EVE BUTLER-GEE ON THE OCCA-  
SION OF HER RETIREMENT  
FROM THE HOUSE OF REP-  
RESENTATIVES

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to say good-bye to Eve Butler-Gee, the Chief Journal Clerk in the House, who will retire at the end of August after 20 years of service to the House of Representatives.

Eve began her professional career in the House. After an interlude working for a charitable foundation, she returned to the House in 1987 as the Minority Enrolling Clerk of the House.

She served in that capacity for 8 years before her appointment as Chief Journal Clerk in 1995. With this appointment, Eve became the first woman in the history of the House of Representatives to serve as Chief Journal Clerk.

Eve and three assistant journal clerks are responsible for keeping the journal of the House proceedings in that big journal minute book which we see her with here every day at the rostrum and which we vote on half the time. According to House rules, the first order of business each day is the vote on the Chair's approval of the Journal of the last day's proceedings. The Journal Clerk's office also publishes the journal of each session of Congress for use as a reference by the House Parliamentarians, Members of Congress, regional libraries and State governments. Under Eve's direction the publication of the House Journal has been brought up to date and publication procedures modernized and refined.

Much has transpired during her service on the House rostrum staff. The House has voted on the Gulf War resolution, grieved a gunman's killing of two U.S. Capitol policemen, evacuated the House during the attacks of September 11, enacted counterterrorism measures, dealt with anthrax attacks and voted to authorize the use of force in Iraq. Eve has often said that she has been privileged to witness history every day in this Chamber.

Those who know Eve Butler-Gee know her faith life and her service in the Episcopal Church is also an important part of who she is. She serves as head verger at the Church of the Holy Comforter in Vienna, Virginia, where her husband, Tom Gee, also serves as director of lay liturgists. After her retirement, she plans to serve as a volunteer verger at the Washington National Cathedral. She and Tom plan to spend their time traveling and enjoying the comfort of friends and family, including Eve's daughter and son-in-law, Lora and John Williams, her grandson Evan, and Tom's son Sean Gee. Tom and Eve also eagerly await the birth of a new grandchild in December. Following a trip to Ireland in September, Eve hopes finally to have the free time to resume her lifelong interest in writing and community theater.

In closing, Mr. Speaker, I want to thank her for her faithful service to this body and wish her health and happiness in the years to come.

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

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

Mr. DREIER. I thank my friend for yielding. I just would like to say that it was exactly 15 hours and 47 minutes ago that I was standing at this exact spot, that means 3 a.m. this morning.

Mr. TOM DAVIS of Virginia. That is midnight California time.

Mr. DREIER. Exactly, I would say to my friend; it was exactly midnight in Los Angeles. At that point, we began

our tribute to Eve and we are continuing it, 15 hours and 45 minutes later. I thank my friend for actually getting into greater detail than I did, but I want to join again. I am sandwiched between two Virginians and a Marylander here, so I am bringing some bicoastal balance to this effort to say how much we appreciate again your wonderful service to this institution.

Mr. TOM DAVIS of Virginia. I thank my friend for being part of this 15-hour celebration.

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

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

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

Mr. WOLF. I certainly share the sentiments of my colleagues.

Mr. Speaker, if I can just read a brief thing. The gentleman from West Virginia (Mr. MOLLOHAN) wanted me to submit this and read this to you briefly. He had to run and catch a plane. I will not read the whole thing, but I want to read the beginning and the end.

"This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 dedicated years. I want to join my colleagues today in recognizing her contributions to this Chamber.

"As we thank Eve for her dedication, we also wish her the very best for a happy retirement, with much time spent with her husband Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

"I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Chairman, and it is my hope that her travels will bring her to our State often."

God bless. We wish you the best.

Mr. MOLLOHAN. Mr. Speaker, This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 years of dedicated service. I want to join my colleagues today in recognizing her contributions to this chamber.

Eve began her career here in the House. She then went to work in the private sector. Fortunately for us she returned, and in 1987 was named as minority enrolling clerk of the House.

Eve served as an Assistant Enrolling Clerk for 8 years. Then, in 1995, she was appointed as Chief Journal Clerk. This institution has benefited greatly from her knowledge, her talent and her commitment to the people's business.

Eve and her hard-working staff are responsible for memorializing the proceedings of this House; ensuring the accuracy and timeliness of the official record of each legislative day. It is a serious responsibility, and it is carried out with true professionalism by Eve and her team. We will miss her, and we will miss her outstanding work.

Mr. Speaker, as we thank Eve for her dedication, we also wish her the very best for a

happy retirement—with much time spent with her husband, Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Speaker and it is my hope that her travels will bring her to our state often.

It is a pleasure to help recognize the career of one who has served this House so very well. Thank you, Eve, and all the best in the days to come.

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

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

Mr. HOYER. I thank the gentleman for yielding.

Eve, I want to rise with my colleagues. I was here at 3 o'clock when DAVID DREIER gave that short, but very heartfelt thanks to you. I did not join him at that point in time; I thought that at 3 a.m. you might want to go home. But I do want to rise at this point in time.

Mr. Speaker, the Members of the House, the House as an institution, and this country are all blessed by having some extraordinarily dedicated, extraordinarily able people serving this body. Other than our terrific reading clerks, few of them get on camera, at least in terms of being identified. But without them, this House would not run nearly as well as it does. And to the extent that it does not run well, it is not for any lack of ability or dedication on their part but because the Members sometimes get out of hand.

But the staff that serves this House of Representatives, the people's House, is an extraordinary one. Each time we lose one of them by retirement or for any other reason, we are a lesser place. We will be a lesser place for some period of time because one cannot replace the 20 years of experience that Eve takes with her. But she takes with her the thanks and gratitude of all of us who are Members of this body. Whether brought in by the majority or the minority, Democrats or Republicans, matters not to any of our desk personnel or our Parliamentarian or our timekeepers or whatever their particular designation. They serve us well and they serve this country well.

Eve, I wish you and Tom the very best. You are still a very young person and you will have many years to enjoy service to church, service to God, but I know that you will continue in many ways to serve your country. I know you will take with you the deep affection and respect for this institution that you have served so well. Godspeed.

#### FAREWELL TO KIRK BOYLE

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

Mr. CANTOR. Mr. Speaker, it is my honor and privilege to be here today to salute an individual who has served this House for many years, who is also leaving us today. Kirk Boyle first

started his career with this House with the former majority leader, Dick Armeey. He served as Dick Armeey's page in the House and later returned after schooling to be a floor assistant for Dick Armeey. In the last year he has become part of the majority whip's team and has been on the floor with leadership, with the majority whip ROY BLUNT.

Anybody who knows Kirk knows he is a source of accurate information. He always knows what is going on. He has been a tremendous asset to all of us.

Lastly, I would just like to note that I think he will be best remembered as the cofounder and creator of the Boyle-Turton precedent which, as you know, contributes to the expeditious proceedings of this House.

Again, I salute Kirk Boyle and wish him well as he continues his life journey and development as an individual as he goes and moves on to Chicago to perform some mission work and to do good for the people of this great land.

Congratulations. We will miss you, Kirk.

#### APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 3, 2003

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

WASHINGTON, DC,  
July 25, 2003.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 2003.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

#### APPOINTMENT OF INSPECTOR GENERAL FOR HOUSE OF REPRESENTATIVES FOR 108TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6 of rule II, and the order of the House of January 8, 2003, the Chair announces the joint appointment by the Speaker, majority leader and minority leader of Mr. Steven A. McNamara of Sterling, Virginia, to the position of Inspector General for the United States House of Representatives for the 108th Congress effective January 3, 2003.

#### APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to section 2(a) of the National Cul-

tural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island.

#### APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2301, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;  
Mr. FROST, Texas.

#### APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. FILNER, California.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE HORROR STORIES OF CASTRO'S JAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to the continued plight of political prisoners locked away in Cuban jails. In March of this year, Fidel Castro began a campaign against political opposition. Over the course of a few weeks, Castro's regime arrested an array of political opposition leaders, including signers and supporters of a joint statement from the Cuban dissident community to the European Union, promoters of the Varela Project, members of the independent press, owners of independent libraries and members of Cuba's independent civil society.

Inside of a month, the dissidents were arrested, arraigned, tried and sentenced, some receiving prison terms as long as 27 years. The prisoners were refused access to their wives and family, allowed little or no legal defense and were denied the ability to read the state's case against them. The Cuban Government provided no information

about the trials and barred access to international journalists. However, that was only the beginning of Castro's reign of terror.

Accounts of psychological torture, abuse and neglect have slowly begun to emerge from Cuba's prisons. Stories of rat- and bug-infested cells, beatings, solitary confinement and a lack of medical treatment seem to be the standard in Castro's prisons. The accounts are so horrible that they have led a spokesperson for the U.S. State Department to declare that "the Cuban Government seems to be going out of its way to treat these prisoners inhumanely."

The wife of journalist Hector Maseda, sentenced to 20 years, shared his accounts of bed bugs so rampant in one jail that prisoners cannot sleep. Family members of journalist Oscar Espinosa Chepe, who is suffering from liver disease and gastrointestinal bleeding, shared his stories of being denied medical care. His family fears he may die.

The wife of Juan Carlos Gonzalez Leyva, a blind dissident, recently presented one of his letters to the U.N. Human Rights Commission in Geneva. In the letter he talks of the daily "sawdust shower" that he has been subjected to by a fellow inmate. Gonzalez writes that the substance "gives me the sensation of millions of bugs constantly running all over me." He continues, stating, "I don't know if this is a biological substance or a chemical agent. But I know that it is not insects because when I touch my skin there are no actual bugs that I can feel."

Other prisoners, Mr. Speaker, complain of leaking cells, no sheets, no pillows and no eating utensils.

Amnesty International recently declared the 75 dissidents and opposition leaders "prisoners of conscience." These 75 convictions bring Cuba's total to 90 "prisoners of conscience" currently in Cuban prisons. This makes Cuba the country with the highest number of prisoners with that status in the Western Hemisphere. Various other organizations inside and outside Cuba place the number of political prisoners at more than 300.

However, these are the stories and prisoner accounts that have managed to be leaked to the public. There is no telling what evils lurk in Castro's jails and what stories and horrors have yet to see the light of day.

Mr. Speaker, I ask my colleagues to join with me and condemn Castro's incarceration and mistreatment of the 75 dissidents and all of its political prisoners. Congress must send a strong message to Castro that the abuse of Cuban political prisoners has not gone unnoticed and will not be allowed to continue.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1900

TIME FOR AN END TO THE  
ADMINISTRATION'S SECRECY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, yesterday the special congressional panel looking into the September 11 attacks issued its report. It said the intelligence community could have done a much better job in protecting the American people. That truly is an understatement.

But what stands out is the fact that the Bush administration has taken secrecy to a new unacceptable level. The administration insists on keeping secret 28 pages of that report. It is widely believed that these 28 pages deal with the possible involvement of foreign governments in the 9/11 tragedy and specifically Saudi Arabia.

Mr. Speaker, the Bush administration clearly exaggerated the immediate threat to the United States posed by the regime of Saddam Hussein in order to justify the war in Iraq, and, indeed, I have supported the calls for an independent commission to get to the bottom of that deception.

The administration's credibility has been greatly damaged by the revelations about the manipulated statements in the President's State of the Union address. Now we have 28 pages of a report of a vitally important study that are being kept away from the American people.

Do the American people not deserve to know the truth, whole truth, the whole story about 9/11? Do the families of 9/11 not deserve to know? What is the Bush administration now hiding about Saudi Arabia's possible involvement? How can the Bush administration justify keeping this secret from the American people?

In an editorial entitled "Deception and Denial," the London-based Financial Times this morning says the following about the Bush administration:

"The scale of the Bush administration's official obstruction is clear." And the article goes on to say "The Bush administration has done everything they can do to make sure that's not the focus," said William Wechsler, a former White House official who coauthored a recent report critical of the Saudi failure to cut off financing for terrorist troops." The Bush administration wants "to talk about tactical breakdown, but they do not want to talk about the elephant in the room," i.e., specifically Saudi Arabia. According to the Financial Times, "the tantalizing glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects."

We know there were meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen. What does that mean in the context of 9/11? There are reports that al-Bayoumi supplied at least some of the hijackers with cash. Is that true? Unless the Bush administration drops its insistence on secrecy, the American people and families of the victims of 9/11 might never know the truth.

The Bush administration says it cannot tell the American people the whole truth because of national security concerns. One should ask, is it national security that the Bush administration cares about or is it political security? Or could it be access to Saudi oil? As the Financial Times said this morning, "It is hard to avoid suspicion that some of the coyness may have political origins." The decision to keep this information secret adds "a new layer of haze over its credibility," says the Financial Times.

It is time for the Bush administration to tell the families and to tell the American people what it knows about the possible involvement of foreign governments or foreign nationals in the events of September 11, and no one should be exempt from that scrutiny. No country, no person. It is time for an end to the Bush administration's secrecy.

[From the Financial Times, July 25, 2003]

REPORT RAISES NEW QUESTIONS ON SAUDI  
ROLE IN 9/11 ATTACKS

(By Marianne Brun-Rovet and Edward Alden)

WASHINGTON.—The September 11 hijackers received foreign-government support while they were in the US plotting the attacks on New York and Washington, the leader of a congressional inquiry charged.

The conclusion, which is strongly hinted at in the declassified parts of the inquiry's 900-page report released yesterday, will raise new questions about the role of Saudi Arabia in particular. The Bush administration insisted on deleting a 28-page section of the report that focused on the link to foreign governments.

Senator Bob Graham, the former Democratic intelligence committee chairman who led the investigation, said the hijackers "received, during most of this time [in the US], significant assistance from a foreign government which further facilitated their ability to be so lethal". He would not identify the government.

But he charged the Bush administration with refusing to release the information "to protect the country or countries . . . that were providing direct assistance to some of the hijackers".

The report also contains new evidence that US intelligence agencies and the Federal Bureau of Investigation knew far more about some of the hijackers activities than has been revealed.

While the administration has insisted that the plot could not have been unraveled from the information available, a congressional official said: "There was no smoking gun in the sense of all the details and the specifics in one piece of intelligence . . . But that is not the same as saying that this attack could not have been prevented."

Despite the deletions demanded by the administration, which held up the report's release for nearly seven months, it contains new evidence that indicates the Saudis may

have had ties to supporters of the September 11 hijackers.

It focuses on the activities of Omar al-Bayoumi, who some in the FBI believed to be a Saudi intelligence agent, though the Saudi government has denied the allegation.

Mr. Bayoumi played a vital role in establishing Nawaf al-Hazmi and Khalid al-Mihdhar, two of the hijackers, when they arrived in the U.S. before the attacks. U.S. intelligence agencies knew as early as 1999 that the two were linked with al-Qaeda and that they had attended a CIA-monitored high-level meeting of the terror network's operatives in Malaysia in January 2000.

Mr. Bayoumi met the pair in Los Angeles shortly after he was observed entering and leaving a meeting at the Saudi consulate.

Prince Bandar bin Sultan, the Saudi ambassador to the U.S., said yesterday that the country was facing "false accusations . . . made by some for political purposes" despite its widespread co-operation with the U.S. in the war on terrorism. "It is disappointing that despite everything we are doing, outrageous charges continue."

The report also revealed another serious U.S. intelligence failure before the attacks, which represented "perhaps the intelligence community's best chance to unravel the September 11 plot". The FBI had recruited an informant in San Diego who met repeatedly with Mr. Hazmi and Mr. Mihdhar. However, the FBI did not act on his information because the CIA had not told the FBI of the pair's suspected links to al-Qaeda. The FBI agent handling the informant said "we would have done everything" had the CIA revealed what it knew.

[From the Financial Times, July 25, 2003]

#### DECEPTION AND DENIAL (PART TWO)—THE WHITE HOUSE'S INTELLIGENCE PROBLEMS GET BIGGER

It is often the case with lengthy inquiries into government failures that what gets left out of the final report is more interesting than what goes in it. Politicians are not unduly burdened by a capacity for self-criticism and if they can hide behind spurious claims of national security to avoid providing potentially damning evidence to hungry investigators, you can generally guarantee that they will.

The publication yesterday of the results of the congressional investigation into the performance of the US intelligence services in the run-up to the September 11 2001 terrorist attacks is a case in point.

We knew already that the White House had been most unhelpful in its dealings with the congressional investigators, failing to make available critical material such as presidential briefings on the scale of the al-Qaeda threat. Now, in the form of dozens of blank pages in the 900-page volume, the scale of official obstruction becomes clear.

Though the report still reaches some valid conclusions about the failures of the Federal Bureau of Investigation and the Central Intelligence Agency in acting on what they knew about the hijackers, the overall effect of the administration's behaviour is to produce more questions. Most disturbing is the White House's unwillingness to disclose important new information on Saudi Arabia's role in the terrorist plot.

The long list of errors by the FBI and the CIA remains the central finding. The fact that officials had opportunities to track the movements of at least two of the hijackers in the months before the attacks represents the largest single failing and highlights flaws in intelligence co-ordination that still need to be put right. In addition the lack of reliable intelligence overseas prevented either the Clinton or the Bush administration from taking preemptive action against al-Qaeda that might have scuppered the plot.

But the tantalising glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects. Meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen, are well documented, as are indications that he supplied them with cash. But instead of detailed investigation of Mr. al-Bayoumi and his alleged links to the Saudi government, there are only blank spaces. The administration says it could not agree to publication of this and other material for national security reasons. That may be true. But it is hard to avoid suspicion that some of the coyness may have political origins. The Bush administration is already under fire for its dubious disclosures about Iraq's weapons of mass destruction. Now the White House has added a new layer of haze over its credibility.

In the end the congressional report is not so much an indictment of the intelligence agencies, though it clearly highlights their faults. It is an indictment of the needless obfuscation surrounding too much of this administration's national security policy.

[From the Financial Times, July 25, 2002]

#### SEPTEMBER 11 INVESTIGATION UNDERMINES BUSH'S CLAIMS

(By Edward Alden and Marianne Brun-Rovet)

For the past 18 months the administration of President George W. Bush has clung firmly to the argument that, while there were certainly intelligence failings, the September 11, 2001 attacks could not have been prevented.

The release yesterday of the declassified final report of the congressional investigation will make that argument much harder to sustain, and could ignite fresh controversy for an administration already under scrutiny for manipulating intelligence information before the war on Iraq.

The report contains few entirely new revelations about the missed opportunities to unravel the plot of the 19 hijackers. But the detailed evidence of how much the U.S. knew of their movements before the attacks belies the assertion made to the investigators last year by Robert Mueller, the Federal Bureau of Investigation's director, that "as far as we know, they contacted no known terrorist sympathizers in the U.S."

The report points out that five of the hijackers had met a total of 14 people who had come to the FBI's attention as part of counter-terrorism investigations.

Four of those 14 were under active FBI investigation when the hijackers were in the U.S.

The hijackers who led the attacks were not isolated but instead were backed by what U.S. intelligence knew to be "a radical Islamic network in the U.S. that could support al-Qaeda and other terrorist operatives."

As early as June 2001 the CIA had learned that senior al-Qaeda planner Khalid Sheikh Mohammed was recruiting people for operations in the U.S.

The report also revealed that an informant for the FBI had numerous meetings with two of the hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, when they were living in San Diego. But the San Diego FBI was unaware that the Central Intelligence Agency had in 2000 identified the two men as al-Qaeda operatives, so never acted on the information.

The FBI had also opened in 1998 a counter-terrorism investigation of Omar al-Bayoumi, a Saudi who co-signed the lease on an apartment in San Diego rented by the two hijackers, paid the first month's rent and organised a party to welcome them into the community.

Mr. Bayoumi became the subject of attention late last year after it was revealed that

the wife of Prince Bandar, the Saudi ambassador to the U.S., had indirectly deposited tens of thousands of dollars into an account held by Mr. Bayoumi's wife. The Saudis have said they had no knowledge that the money, which was part of a charitable contribution, had ended up in her accounts.

The report says that although Mr. Bayoumi was a student, he "had access to seemingly unlimited funding from Saudi Arabia", and at one time made a \$400,000 donation to a Kurdish mosque in San Diego. It adds: "One of the FBI's best sources in San Diego informed the FBI that he thought that Mr. Bayoumi must be an intelligence officer for Saudi Arabia or another foreign power."

The Saudi government denies the charge, saying he has no connection to the Saudi government.

The most controversial element of the report will be what it does not contain. At the insistence of the Bush administration, 28 pages discussing evidence of foreign government support for the hijackers was deleted from the declassified version.

"The Bush administration has done everything they can do to make sure that's not the focus," said William Wechsler, a former White House official who co-authored a recent report critical of the Saudi failure to cut off financing for terrorist groups.

"They want to talk about tactical breakdown but they don't want to talk about the elephant in the room."

U.S. officials note that Saudi co-operation in counter-terrorism investigations has improved markedly, particularly following al-Qaeda attack's in Riyadh in May that left more than 30 people dead. The Saudis responded angrily yesterday that "we cannot respond to blank pages".

But the investigation showed that even well after the September 11 attacks, Saudi Arabia continued to impede U.S. efforts in areas such as shutting down financing for terrorism.

While the congressional investigation was a bipartisan undertaking, its conclusions will fuel a partisan battle over whether the Bush administration has responded fully to the lessons of September 11.

Democrats have homed in on intelligence failures, both in the war on terrorism and before the war on Iraq, as the vulnerable spot for an administration that has been widely trusted by Americans on national security since the attacks.

The report challenges whether the administration has yet made sufficient efforts to improve intelligence gathering and sharing in response to the serious breakdowns uncovered by the investigation.

On foreign support for terrorists, the report says "only recently", and in part due to the pressure from the congressional inquiry, had the agencies tried to determine the extent of the problem. "This gap in US intelligence coverage is unacceptable, given the magnitude and immediacy of the potential risk to US national security," it says.

Democratic hopefuls for the next presidential election, including Senator Bob Graham, the former intelligence committee chairman, are already seizing on the problems identified by the inquiry to criticise the administration's actions since September 11.

The controversy over what is missing in the report will only deepen those charges. Senator Joseph Lieberman, another Democratic candidate, said yesterday that the administration "has, even today, failed to demand a full accounting of intelligence failures, in order to ensure that they have been corrected".

## THE CALL FOR AN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago the late 1830s, Congress passed a rule prohibiting the use of the word "slavery" in the Chamber of this House, prohibiting debate about the Nation's largest blemish, the Nation's largest embarrassment, the institution of slavery. For some years Members of Congress, because of this House gag rule, could not even debate the issue of slavery in this body.

Mr. Speaker, in those days Congressman John Quincy Adams, former President, elected to Congress after he left the White House, was particularly outraged by that gag rule, and he came to the floor of the House, to the Chamber of this House of Representatives, week after week, day after day in many cases, reading letters from his constituents about the issue of slavery. Since he was prohibited from the debating the issue, he served as the megaphone, and he let his constituents speak about slavery.

Today, we face a similar situation in which the leaders of this Congress have refused to discuss some of the issues about the President's behavior in Iraq, about who knew what when, and as a result, a group called MoveOn.org, a national Internet organization, a group of about 1.4 million citizens, circulated a petition, and the petition said "We believe Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program."

Several hundred thousand people signed the petition, tens of thousands of people actually wrote letters about this petition, about this issue. And I would just like to serve as the mouthpiece for those Ohioans who are concerned about what we need as a Nation to find out about the reasons that we actually went to war, whether the President told us the truth.

Ms. Durkin of Cincinnati wrote: "The possibility that the administration may have misled America (Congress and the American people) is a matter not of politics but of integrity."

Chris Bache of Poland, Ohio wrote: "The distortion of intelligence concerning Iraq . . . is a gross violation of the duties of public office."

Jim Waldfole from Cincinnati wrote: "Even if well-intentioned, distortions of the truth can only hurt the credibility of government in the long run. If this has taken place, it needs to be brought as soon as possible by Congress, to restore the public's faith that Washington will not tolerate abuses of the system."

From Akron, Ohio, Mary Benzie writes: "Was our son in the Army Reserves sent to Iraq for a cause based on, at best, inaccuracies, at worst, a deliberate deception? How do you think we will feel the next time?"

Timothy A. Bennett of Springfield writes: "This is an extremely urgent issue which requires investigation. Failure to do so would undermine the public's faith in our democratic institutions. Please support an investigation."

Constance Bouchard from Wooster, Ohio, writes: "We seem to have three choices about the missing weapons of mass destruction, none of them good. One, our intelligence is deeply flawed or two, our intelligence was deliberately distorted by the administration, or, three, the weapons have left Iraq and are now in terrorist hands."

Suzanne Seals of Worthington, Ohio writes: "I am very frightened for the freedom and welfare of our country when the administration can bully the evidence and distort the truth to a naive public without any accountability. When this behavior is used to wage war, I become even more concerned about the policies of our administration."

Deborah Steytler of Mentor, Ohio writes: "Please support appropriate investigations into the methods of war-making and intelligence-gathering."

Victoria Kelsey of West Chester writes: "I feel that the exaggerations employed by politicians to push their agendas have overstepped all boundaries in this case and cannot condone it by my silence on this important issue."

From Kingsville, Ohio, William Venable writes: "We need to know the truth without spin, without obfuscation, and without prevarication."

Paul Burnam of Westerville, Ohio writes: "I am indeed troubled by, at best, the use of outdated and inaccurate evidence to make the case to invade Iraq. The Bush administration needs to be held to account for the which it 'marketed' (I am using presidential Chief of Staff Andrew Card's word) the war."

Elmer Fischesser of Cincinnati writes: "Because individuals are still losing their lives, we have a right to know, as a matter of justice, what was known and how the information was acted upon."

From Canfield, Ohio, Marcia Malmer writes: "This cannot be a government by the people if we are given misleading and/or false information on which to base our decisions."

Mr. Speaker, these are all important letters and important concerns. We do in fact need an investigation to set the public's mind at rest.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today after 6 p.m. on account of official business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.  
 Ms. KAPTUR, for 5 minutes, today.  
 Mr. BROWN of Ohio, for 5 minutes, today.  
 Mr. DEFAZIO, for 5 minutes, today.  
 Ms. NORTON, for 5 minutes, today.  
 Ms. SCHAKOWSKY, for 5 minutes, today.  
 Ms. LEE, for 5 minutes, today.  
 Ms. WATERS, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans; to the Committee on Veteran Affairs; in addition to the Committee on International Relations 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.

## ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 7 o'clock and 10 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m., Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3495. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Payment of Indemnity [Docket No. 02-048-2] (RIN: 0579-AB46) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-130-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State Designations; New Mexico [Docket No. 03-044-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Extensions of Payments of Principal and Interest (RIN: 0572-AB79) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Transportation, transmitting the Department's final rule — Sapote Fruit Fly; Removal of Quarantined Area in Texas [Docket No. 03-032-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; 3-pyridinecarboxamide, 2-chloro-N-(4'-chloro[1,1'-biphenyl]-2-yl); Pesticide Tolerance [OPP-2003-0246; FRL-7319-6] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel),

Department of the Navy, transmitting Notice of decision to convert any commercial or industrial-type function from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3503. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph W. Wehrle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3504. A letter from the Inspector General, Department of Defense, transmitting a report entitled "Acquisition: Summary Report on the Joint Review of Selected DoD Purchase Card Transactions (D-2003-109)" as pursuant to Public Law 107-314 section 1007, pursuant to Public Law 107-314 section 1007; to the Committee on Armed Services.

3505. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John H. Campbell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3506. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation "To authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development"; to the Committee on Financial Services.

3507. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7811] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3508. A letter from the Secretary, Department of Housing and Urban Development, transmitting a draft of proposed legislation concerning the Emergency Food and Shelter Program and its National Board appointed positions; to the Committee on Financial Services.

3509. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Community Food and Nutrition Program for Fiscal Year 2000; to the Committee on Education and the Workforce.

3510. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation concerning waste materials stored in silos at the Department of Energy uranium processing facility at Fernald, Ohio; to the Committee on Energy and Commerce.

3511. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Breath Nitric Oxide Test System [Docket No. 2003D-0209] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3512. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen From Cement Kilns [TX-164-1-7602a; FRL-7536-8] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3513. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion [SW-FRL-7537-5] received July 25, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

3514. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [RCRA-1998-0015; FRL-7537-4] (RIN: 2050-AF07) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3515. A letter from the AMD-PERM, OMD, FCC, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2003 [MD Docket No. 03-83] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3516. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3517. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (Transmittal No. DDTC 060-03) received July 24, 2003, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Turkey (Transmittal No. DDTC 070-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3519. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil, Russia, Ukraine, and Norway (Transmittal No. DDTC 068-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3520. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil (Transmittal No. DDTC 058-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3521. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Singapore (Transmittal No. DDTC 059-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3523. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 057-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece (Transmittal No. DDTC 074-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 073-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pacific Ocean/International Waters or Kourou, French Guiana (Transmittal No. DDTC 050-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters, Pacific Ocean (Transmittal No. DDTC 075-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to United Kingdom (Transmittal No. DDTC 062-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Taiwan [Transmittal No. DDTC 083-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 080-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 079-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 072-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture

of a significant military equipment abroad and the export of defense articles or defense services under a contract to Turkey [Transmittal No. DDTC 061-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3534. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to India [Transmittal No. DDTC 021-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to Japan [Transmittal No. DDTC 077-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifth of six annual reports on enforcement and monitoring of the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

3537. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued by GAO during each calendar month and cumulative list of preceding 12 months (FY 2002), pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3538. A letter from the Director, Office of Government Ethics, transmitting the Office's draft bill, "to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes"; to the Committee on Government Reform.

3539. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a draft of proposed legislation entitled "Records Retention Facilitation Act of 2003"; to the Committee on Government Reform.

3540. A letter from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a copy of a draft bill to "Resolve Certain Trust Fund Accounting Discrepancies within the Individual Indian Money Investment Pool"; to the Committee on Resources.

3541. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon (RIN: 1018-AI26) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3542. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2002; to the Committee on Resources.

3543. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076-AE41) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3544. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 021209300-3048-02; I.D. 071103A] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan [Docket No. 030514123-3162-02; I.D. 041003B] (RIN: 0648-AQ78) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3546. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Certificates for Certain Health Care Workers [CIS No. 2080-00] (RIN: 1615-AA10) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3547. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Release Gratuities, Transportation and Clothing: Aliens [BOP-1097-F] (RIN: 1120-AA93) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3548. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal entitled the "Department of Justice Appropriations Authorization Act, Fiscal Years 2004 and 2005"; to the Committee on the Judiciary.

3549. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's concerns and objections regarding the amendment offered to H.R. 2799, the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004"; to the Committee on the Judiciary.

3550. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Apalachicola River, River Junction, FL [CGD08-03-007] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Facility Security [USCG-2003-14732] (RIN: 1625-AA43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Automatic Identification System; Vessel Carriage Requirement [USCG-2003-14757] (RIN: 1625-AA67) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Outer Continental Shelf Facility Security [USCG-2003-14759] (RIN: 1625-AA68) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA 03-043] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, Oakland Estuary, California [COTP San Francisco Bay 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, CA [COTP San Diego 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah 03-042] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-021] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-052] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ponce, Puerto Rico [COTP San Juan 03-026] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mardi Gras Fireworks Display, Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

3564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia [COTP Pittsburgh-02-019] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-013] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Cape May Harbor/Inlet [COTP Philadelphia 03-012] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Delaware River, Salem River, Christina River, and the Schuylkill River [COTP Philadelphia 03-011] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-010] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-009] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacony Palmyra Bridge, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-008] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, PA [COTP PHILADELPHIA 03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Security Zone; Packer Avenue Marine Terminal, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware Bay and River [COTP PHILADELPHIA 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-005] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Lower Mississippi River, Above Head of Passes, LA [COTP New Orleans-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0 Above Head of Passes, New Orleans, LA [COTP New Orleans-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intra-coastal Waterway (ICW), Miles 20.0 to 15.0, Barataria, LA [COTP New Orleans-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain,

Kenner, LA [COTP New Orleans-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atchafalaya River, Eugene Island Sea Buoy to MM 119.8(AR), Berwick, LA [COTP Morgan City-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile-03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport Ship Channel, Gulfport, MS [COTP Mobile-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boggy Bayou, Niceville, Florida [COTP MOBILE-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile, Alabama [COTP Mobile-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E airspace; Brookfield, MO [Docket No. FAA-2003-14656; Airspace Docket No. 03-ACE-25] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muscatine, IA [Docket No. FAA-2003-14936; Airspace Docket No. 03-ACE-37] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ottumwa, IA [Docket No. FAA-2003-14938; Airspace Docket No. 03-ACE-41] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting — received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3599. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation relating to amending title 38 of the United States Code to modify and improve authorities relating to former prisoners of war; to the Committee on Veterans' Affairs.

3600. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

3601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule — BLS Department Store Indexes for March 2003 (Announcement 2003-44) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-Filing Agreements (Announcement 2003-43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations — received June 26, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul. 2003-59) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compliance initiative for nonresident aliens and foreign corporations (Notice 2003-38) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest deduction in general (Rev. Rul. 2003-97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3607. A letter from the Secretary, Department of Health and Human Services, transmitting Report and study regarding state licensure and certification standards and respiratory therapy competency examinations, pursuant to Public Law 106—113, section 107 (113 Stat. 1501A—328); jointly to the Committees on Energy and Commerce and Ways and Means.

3608. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to amend title 5, United States Codes, to establish a Human Capital Performance Fund, to better relate Senior Executive Service pay to performance, and other purposes; jointly to the Committees on Government Reform and the Judiciary.

3609. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled "Fishery Conservation and Management Amendments of 2003" and a section-by-section analysis of the proposed legislation; jointly to the Committees on Resources and the Judiciary.

3610. A letter from the Secretary, Department of Commerce, transmitting a draft bill entitled the "Department of Commerce 21st Century Innovation Act of 2003"; jointly to the Committees on Science and Energy and Commerce.

3611. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists, to authorize alternate work schedules and executive pay for nurses"; jointly to the Committees on Veterans' Affairs and Government Reform.

3612. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Third Party Liability Insurance Regulations [CMS-1475-FC] (RIN: 0938-AM65) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3613. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to support a proposal in the President's FY 2004 Budget regarding direct funding for operation and maintenance of hydropower facilities at Army Corps of Engineers dams and revenues from the sale of power and related services by the Department of Energy's Power Marketing Administrations; jointly to the Committees on Transportation and Infrastructure, Resources, and the Budget.

3614. A letter from the Secretary, Department of Transportation, transmitting a bill entitled the "Federal Railroad Safety Improvement Act"; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

3615. A letter from the Secretary, Department of Transportation, transmitting a draft

of proposed legislation entitled "To authorize appropriations for Fiscal Year 2004 for certain maritime programs of the Department of Transportation, and for other purposes"; jointly to the Committees on Armed Services, Ways and Means, Transportation and Infrastructure, and Resources.

3616. A letter from the Deputy Secretary, Department of State, transmitting a draft of proposed legislation entitled "Compact of Free Association Amendments Act of 2003"; jointly to the Committees on International Relations, Resources, Agriculture, Armed Services, Energy and Commerce, Financial Services, Government Reform, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 13003. A bill to amend the E-Government Act of 2002 with respect to rule-making authority of the Judicial Conference; with an amendment (Rept. 108-239). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108-240). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; with an amendment (Rept. 108-241). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Budget, Ways and Means and Government Reform discharged from further consideration of H.R. 180.

Pursuant to clause 2 of rule XII the Committees on Armed Services, Science and Ways and Means discharged, from further consideration. H.R. 1836 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration of H.R. 1837.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committees on Ways and Means and Government Reform extended for a period ending not later than July 25, 2003. Referral to the Committee on Rules extended for a period ending not later than October 3, 2003.

H.R. 1837. Referral to the Committee on the Judiciary extended for a period ending not later than September 3, 2003.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2896. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself,

Mr. CONYERS, Mr. KUCINICH, Ms. LEE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. SANDERS, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. REYES, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. MAJETTE, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. PAYNE, Mr. MCDERMOTT, Mr. CAPUANO, Mr. WEINER, Ms. MCCOLLUM, and Mr. EMANUEL):

H.R. 2897. A bill to end homelessness in the United States; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Ms. ESHOO, Mr. UPTON, Mr. MARKEY, Mr. DINGELL, Mr. TERRY, Mr. TOWNS, Mr. PICKERING, Mr. GILLMOR, Mrs. BONO, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. KIND, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. GRIJALVA, Mr. FROST, Mr. RUPPERSBERGER, Mr. GORDON, Mr. ENGEL, Mr. PETERSON of Pennsylvania, and Mr. STUPAK):

H.R. 2898. A bill to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself and Mr. FLAKE):

H.R. 2899. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. JEFFERSON, Mr. FOLEY, Mr. RAMSTAD, Mr. CANTOR, Mr. HOUGHTON, Mr. HAYES, Mr. FEENEY, Mr. ROGERS of Alabama, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, and Mr. CAMP):

H.R. 2900. A bill to amend the Internal Revenue Code of 1986 to provide for a 7-year recovery period for motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2901. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2902. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation

that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, 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. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2903. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 2904. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2905. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. OTTER, Mr. MILLER of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. VITTER, Mr. BARTLETT of Maryland, and Mr. HALL):

H.R. 2906. A bill to clarify that federally licensed firearms dealers may transfer firearms to other federally licensed firearms dealers at places other than the business premises specified on the license of the transferor dealer; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Mr. HONDA, Mr. CARDOZA, and Mr. EHLERS):

H.R. 2908. A bill to establish the position of Under Secretary of Commerce for Manufacturing and Technology, require the establishment of a research and implementation program on manufacturing, and promote manufacturing education; to the Committee on Science.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; to the Committee on Resources.

By Mr. TIBERI:

H.R. 2910. A bill to amend the Employee Retirement Income Security Act of 1974, the

Internal Revenue Code of 1986, and the Labor Management Relations Act, 1947 to provide special rules for Teamster plans relating to termination and funding; 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 Ms. SCHAKOWSKY (for herself, Mr. DELAURO, Mr. DAVIS of Illinois, Mr. OWENS, Mr. EMANUEL, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAYNE, Ms. NORTON, Mr. SCHIFF, Mr. ROSS, Mr. BAIRD, Ms. CARSON of Indiana, and Mr. MORAN of Virginia):

H.R. 2911. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. KILDEE):

H.R. 2913. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Education and the Workforce.

By Ms. CARSON of Indiana (for herself, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. RANGEL, Mr. GRIJALVA, Mr. HONDA, Mr. CAPUANO, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. FILNER, and Mr. BOSWELL):

H.R. 2914. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Mr. NUSSLE, Mr. ENGLISH, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, and Mr. BURGESS):

H.R. 2915. A bill to provide for a National Health Information Infrastructure and data and communication standards for health information system interoperability; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Mr. DEFAZIO, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. BROWN of Ohio, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. KLECZKA):

H.R. 2916. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2917. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect

to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. ACEVEDO-VILA):

H.R. 2918. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2919. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2920. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2921. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. ACEVEDO-VILA:

H.R. 2922. A bill to amend the Small Business Act to provide additional grants to small business development centers located in high unemployment districts; to the Committee on Small Business.

By Mr. ACKERMAN:

H.R. 2923. A bill to amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAKER (for himself, Mr. JOHN, Mr. VITTER, and Mr. POMEROY):

H.R. 2924. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BALLANCE:

H.R. 2925. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Resources.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Mr. PORTER):

H.R. 2926. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, 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. BLUMENAUER:

H.R. 2927. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Ms. MILLENDER-MCDONALD, Mr. DUNCAN, Mr. PASCRELL, Ms. LOFGREN, Mr. COBLE, and Mr. MICHAUD):

H.R. 2928. A bill to amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO (for herself and Mr. TOWNS):

H.R. 2929. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H.R. 2930. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condruz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself and Mr. MATSUI):

H.R. 2931. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. GILCHREST, Ms. SLAUGHTER, Mr. WAXMAN, and Mr. ALLEN):

H.R. 2932. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. DOOLEY of California, Mr. CARSON of Oklahoma, Mr. NUNES, Mr. BACA, Mr. STENHOLM, Mr. HALL, Mr. BERRY, Mr. ROSS, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. PETERSON of Minnesota, Mr. ALEXANDER, Mr. ORTIZ, Mr. HUNTER, Mr. CALVERT, and Mr. YOUNG of Alaska):

H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CARTER:

H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 2935. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. DEUTSCH (for himself and Mr. SHAW):

H.R. 2936. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mrs. LOWEY, and Mrs. KELLY):

H.R. 2937. A bill to designate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the "John G. Dow Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. DAVIS of Alabama):

H.R. 2938. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 2939. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 2940. A bill to amend titles 23 and 49, United States Code, to promote the integration of local land use planning and transportation planning; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, and Mr. PASTOR):

H.R. 2941. A bill to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2942. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 2943. A bill to waive, for grants awarded in fiscal years 2004 and 2005, certain restrictions on the hiring or rehiring of career law enforcement officers under the COPS grant program under Part Q of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 2944. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following death; to the Committee on Armed Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. McNULTY, Mr. POMEROY, Ms. MILLENDER-McDONALD, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. DELAURO, Mr. GRIJALVA, Mr. PAYNE, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. SERRANO, Ms. KILPATRICK, Ms. LEE, Mr. TOWNS, Mr. RYAN of

Ohio, Ms. MAJETTE, Mr. DAVIS of Florida, Ms. LINDA T. SANCHEZ of California, Ms. CARSON of Indiana, Mr. STARK, Mr. DAVIS of Illinois, and Mr. HOLT):

H.R. 2945. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. MEEHAN):

H.R. 2946. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Mr. CROWLEY, Ms. NORTON, Ms. LEE, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. MURTHA, and Mr. FROST):

H.R. 2947. A bill to establish a demonstration grant program to assist States in providing subsidies for group health insurance premiums for low-income, Medicaid-eligible individuals; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. BAIRD, Mr. BEREUTER, Mr. KENNEDY of Rhode Island, Mr. WYNN, and Mr. CROWLEY):

H.R. 2948. A bill to direct the Comptroller General to enter into arrangements with the National Academy of Sciences and the Librarian of Congress for conducting a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of the operations of Congress during an emergency, and for other purposes; to the Committee on House Administration.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, and Mr. INSLEE):

H.R. 2949. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. LEWIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. FLETCHER, Mr. LUCAS of Kentucky, Mr. HAYWORTH, Mr. COX, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. CUNNINGHAM, Mr. PAUL, Mr. ROYCE, Mr. SIMMONS, Mr. CRANE, Mr. POMEROY, Mr. HASTINGS of Washington, Mr. DOOLITTLE, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. JENKINS, Mr. TIBERI, Mr. TOWNS, Ms. DUNN, Mr. JOHN, Mr. STEARNS, Mr. STUPAK, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. REYNOLDS, Mr. CARDOZA, Mr. MCCRERY, Mr. BOSWELL, Mr. FOLEY, Mr. COBLE, and Mr. CAMP):

H.R. 2950. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. HINCHEY, and Mr. ENGEL):

H.R. 2951. A bill to prohibit the operation of nuclear power plants unless there exists a State and county certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. GREENWOOD, Ms. PELOSI, Mr. SHAYS, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. HOLT, Ms. WOOLSEY, Mr. ENGEL, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. TOWNS,

Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. DELAHUNT, Mr. ANDREWS, Ms. SOLIS, Ms. DEGETTE, Mr. OLVER, Mr. HOFFEL, Ms. ROYBAL-ALLARD, Mrs. CAPPAS, Mr. MCGOVERN, Mr. MATSUI, Ms. BERKLEY, Ms. LEE, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. LOFGREN, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of California, Ms. DELAURO, Ms. MILLENDER-McDONALD, Mr. FILNER, Mr. SCHIFF, Ms. NORTON, Ms. SCHAKOWSKY, Mr. FROST, Mr. BERMAN, Mr. BACA, Ms. VELAZQUEZ, Mr. BAIRD, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. KIRK, Mrs. DAVIS of California, Mr. SIMMONS, Mr. LEVIN, Mr. VAN HOLLEN, and Mr. WEXLER):

H.R. 2952. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H.R. 2953. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself and Ms. ROS-LEHTINEN):

H.R. 2954. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. HEFLEY):

H.R. 2955. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself, Mr. EMANUEL, Mr. BOEHNER, Mr. KILDEE, Mr. PETRI, Ms. WOOLSEY, Mr. KELLER, Mr. TIERNEY, Mr. GREENWOOD, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. KUCINICH, Mr. OSBORNE, Mr. HOLT, Mr. DAVIS of Illinois, Mr. ISAKSON, Mr. BALLENGER, Mr. SOUDER, Mr. CUNNINGHAM, Mr. UPTON, Mr. BLUNT, and Mr. EHLERS):

H.R. 2956. A bill to begin the process of simplifying the Federal student financial aid process, making it easier and more understandable for students and families to participate in Federal student financial aid programs; to the Committee on Education and the Workforce.

By Mr. GARY G. MILLER of California (for himself, Mr. PORTMAN, Mr. FOLEY, Mr. SESSIONS, Mr. TANCREDO, Mr. TERRY, and Mr. FORBES):

H.R. 2957. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2958. A bill to amend title 31, United States Code, to allow certain State and local tax debt to be collected through the reduction of Federal tax refunds; to the Committee on Government Reform, 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. NETHERCUTT:

H.R. 2959. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalination project; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mrs. EMERSON, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. WELDON of Pennsylvania, Mr. CAPUANO, Mr. HOLDEN, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. EMANUEL, Mr. COOPER, Mr. STENHOLM, Mr. OWENS, and Ms. WOOLSEY):

H.R. 2961. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. TERRY, Mr. PALLONE, Mr. ETHERIDGE, and Mr. CAPUANO):

H.R. 2962. A bill to prevent the abuse of the illegal drug commonly called ecstasy; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. FILNER, Mr. HONDA, Mr. DEFAZIO, Mr. UDALL of Colorado, Mr. OSE, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. FARR, Mr. OTTER, Mr. SIMPSON, and Mr. MCINNIS):

H.R. 2963. A bill to amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. MATSUI):

H.R. 2964. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. POMEROY):

H.R. 2965. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. OTTER, Mr. DOOLITTLE, Mr. HEFLEY, Mr. HERGER, Mr. REHBERG, and Mr. COLLINS):

H.R. 2966. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2967. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of

1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. MATSUI, Mr. CARDIN, and Mr. HOLT):

H.R. 2968. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. ROHRBACHER, Mrs. MALONEY, Mr. MANZULLO, Mr. MICHAUD, Mr. GOODE, Mr. LIPINSKI, Ms. LEE, Mr. RYAN of Ohio, Mr. LANTOS, Mr. ANDREWS, Mr. SERRANO, Mr. GRIJALVA, Mr. OWENS, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 2969. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Financial Services.

By Mr. SANDERS:

H.R. 2970. A bill to authorize the disinterment from the Lorraine American Cemetery in St. Avold, France, of the remains of Private First Class Alfred J. Laitres, of Island Pond, Vermont, who died in combat in France on December 25, 1944, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUER, Mrs. CAPPS, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROSLEHTINEN, Mr. SAXTON, and Mr. WOLF):

H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 2972. A bill to amend the Internal Revenue Code of 1986 to provide incentives for rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Ms. DELAURO, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. DELAHUNT, Mr. GILCREST, Mr. MICHAUD, Mr. ALLEN,

Mr. LOBIONDO, Mr. PALLONE, Mr. BISHOP of New York, Mr. ISAKSON, Mr. PAUL, Mr. SANDERS, Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. PASCRELL):

H.R. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 2974. A bill to prohibit the Secretary of Defense and the Secretary of Homeland Security from purchasing equipment containing electronic components that are not manufactured in the United States; to the Committee on Armed Services.

By Mr. STRICKLAND (for himself and Mr. SHIMKUS):

H.R. 2975. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2976. A bill to direct the Secretary of Agriculture to transfer certain land within the Ottawa National Forest to the Lac Vieux Desert Band of Lake Superior Chippewa Indians, and for other purposes; to the Committee on Agriculture.

By Mr. STUPAK:

H.R. 2977. A bill to amend title 23, United States Code, to provide for the installation of baby changing stations at public rest areas along Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. POMEROY):

H.R. 2978. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. OWENS, Mr. NADLER, Ms. NORTON, Mr. CONYERS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. STARK, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. WATERS, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. LEE, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. WEINER, Mr. LANTOS, Mr. PAYNE, Ms. CARSON of Indiana, Mr. FILNER, Mr. MEEHAN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. FATTAH, and Mrs. JONES of Ohio):

H.R. 2979. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mr. UPTON):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. RAHALL):

H.R. 2981. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2982. A bill to amend the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2983. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon (for himself, Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. LARSEN of Washington):

H.R. 2984. A bill to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears; to the Committee on Agriculture.

By Ms. WATERS:

H.R. 2985. A bill to direct the Secretary of Homeland Security to conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr.

HOYER, Mr. BLUNT, Mrs. CAPPS, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. WAMP, Ms. DELAURO, Mr. CUNNINGHAM, Mr. GOODE, Ms. NORTON, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RAHALL, and Mr. KING of New York):

H.R. 2986. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 2987. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Education and the Workforce.

By Mr. DELAY:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. BONO (for herself, Mr. CAL-

VERT, Mr. LEWIS of California, Mr. SHADEGG, Mr. ISAKSON, Mr. WAMP, Mr. DEMINT, Mr. BILIRAKIS, and Mr. BROWN of South Carolina):

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois:

H. Con. Res. 261. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. RUPPERSBERGER):

H. Con. Res. 262. Concurrent resolution expressing the sense of the Congress in support of the National Anthem "SingAmerica" project; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself and Mr. BURTON of Indiana):

H. Con. Res. 263. Concurrent resolution calling for an expedited resolution of all existing child custody cases in which Saudi Arabian subjects are holding United States citizens who are minors in the Kingdom of Saudi Arabia without regard for United States law and calling for the establishment of a permanent treaty or other agreement to govern future child custody disputes between the two countries; to the Committee on International Relations.

By Mr. MICA (for himself, Mr. ISRAEL, Mr. FOSSELLA, Mr. CAPUANO, Mr. FERGUSON, Mr. OBERSTAR, Mr. LAMPSON, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, Mr. LOBIONDO, Mr. PASCRELL, Mr. MANZULLO, Ms. DELAURO, Mr. TANCREDO, and Mr. RENZI):

H. Con. Res. 264. Concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. GREENWOOD, Mr. MARKEY, Mr. STRICKLAND, Mr. KENNEDY of Rhode Island, Mr. McNULTY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. JEFFERSON, Mr. ROSS, Mr. WAMP, Mr. WILSON of South Carolina, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GOODE, Mr. HOLDEN, Mr. DOYLE, Mr. PALLONE, Mr. LIPINSKI, Mr. BERRY, Mr. STUPAK, Ms. SNYDER, Mr. SPRATT, and Mr. PAYNE):

H. Con. Res. 265. Concurrent resolution expressing the need for enhanced public awareness of Traumatic Brain Injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. WALSH, Ms. CORRINE BROWN of Florida, Mr. COLLINS, Mr. FROST, Mr. FILNER, Mrs. MILLER of Michigan, Mr. TOWNS, Mr. BARTLETT of Maryland, Ms. KAPTUR, Mr. OSE, Mr. JOHN, Mr. ENGLISH, Mr. PAYNE, Mr. PLATTS, Ms. JACKSON-LEE of Texas, Mr. HEFLEY, Mr. ETHERIDGE, Mr. WILSON of South Carolina, Mr. WYNN, Mr. BURNS, Mr. HOLT, Mr. BURGESS, Mr. LYNCH, Mr. MORAN of Virginia, Mr. GARRETT of New Jersey, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ROSS, Mr. MCINTYRE, and Mr. BEREUTER):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11, at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. PAYNE:

H. Con. Res. 267. Concurrent resolution urging a full and impartial inquiry into the murder of attorney Pat Finucane in 1989 in Northern Ireland; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that

are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; to the Committee on Resources.

By Ms. WATERS:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, 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. EVANS (for himself, Mr. LAHOOD, Mr. SHIMKUS, Mr. LIPINSKI, Mr. RUSH, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. FROST, Mr. DAVIS of Illinois, and Mr. JOHNSON of Illinois):

H. Res. 342. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Arizona (for himself and Mr. TOOMEY):

H. Res. 343. A resolution amending the Rules of the House of Representatives to limit service on the Committee on Appropriations to not more than three Congresses in a period of five successive Congresses; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. WEXLER, Mr. ENGEL, and Mr. CROWLEY):

H. Res. 344. A resolution expressing the sense of the House of Representatives that Syria, Lebanon and Iran should be held accountable for the well-being of abducted Israeli civilian Elchanan Tannenbaum, provide the International Committee of the Red Cross access to Elchanan Tannenbaum, and take all necessary measures to secure the release of Elchanan Tannenbaum; to the Committee on International Relations.

By Mr. MCDERMOTT (for himself, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, and Mr. FROST):

H. Res. 345. A resolution extending condolences to the family, friends, and loved ones of the late David Christopher Kelly, PhD; to the Committee on International Relations.

By Mr. MICHAUD (for himself, Mr. LANTOS, Mr. CROWLEY, Mr. ACEVEDO-VILA, Mr. GRIJALVA, Mr. OBERSTAR, and Mr. ALLEN):

H. Res. 346. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. PENCE:

H. Res. 347. A resolution concerning United States assessed contributions to the United Nations; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself, Mr. TOWNS, Mr. KILDEE, Mr. ROSS, Mr. HINCHEY, Ms. WOOLSEY, and Mrs. CHRISTENSEN):

H. Res. 348. A resolution expressing the sense of the House of Representatives to

raise the awareness of alopecia areata; to the Committee on Government Reform.

By Mr. STARK (for himself, Ms. LEE, Mr. GEORGE MILLER of California, Mr. FARR, Mr. RANGEL, Mr. DOGGETT, Ms. WOOLSEY, Mr. MCGOVERN, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. GRIJALVA, Mr. KUCINICH, Mr. SABO, Mr. FILNER, and Ms. MILLENDER-MCDONALD):

H. Res. 349. A resolution encouraging the consumption of Fair Trade Certified coffee; to the Committee on Government Reform, and in addition to the Committee on House Administration, 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.

### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

166. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 320 the House of Representatives of the Commonwealth of Pennsylvania urging the Congress of the United States to reauthorize the Carl D. Perkins Vocational and Technical Education Act; to the Committee on Education and the Workforce.

167. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 79 memorializing the United States Congress to allocate federal funds to ensure the continued operation of Detroit Receiving Hospital; to the Committee on Energy and Commerce.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 urging the President of the United States and the USEPA Administrator to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; to the Committee on Energy and Commerce.

169. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 58 memorializing the United States Congress to enact the appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; to the Committee on Energy and Commerce.

170. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 186 memorializing the United States Congress to initiate whatever actions are needed to reopen La Linda Bridge as a border crossing; to the Committee on International Relations.

171. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 318 memorializing the Congress of the United States to enact legislation requiring the United States Postal Service to adopt increased security measures to ensure that change of address forms are not used in the commission of identification fraud; to the Committee on Government Reform.

172. Also, a memorial of the General Assembly of the Commonwealth of Kentucky, relative to Senate Joint Resolution No. 18, memorializing the United States Congress to propose an Amendment to the Constitution of the United States of America, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places; to the Committee on the Judiciary.

173. Also, a memorial of the Legislature of the State of Texas, relative to House Concur-

rent Resolution No. 156 memorializing the United States Congress to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; to the Committee on the Judiciary.

174. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 63 memorializing the United States Congress to increase efforts to preserve and protect Lake St. Clair; to the Committee on Transportation and Infrastructure.

175. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 33 memorializing the United States Congress to appropriate additional funds for road and bridge improvement projects; to the Committee on Transportation and Infrastructure.

176. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 82 memorializing the United States Congress to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; to the Committee on Transportation and Infrastructure.

177. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 312 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.

178. Also, a memorial of the Senate of the State of Oregon, relative to Senate Joint Memorial 6 urging the Congress of the United States to amend section 143(1)(4)(A) and (B) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans using the proceeds of qualified veteran mortgage bonds; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 161 memorializing the United States Congress to enact legislation to amend the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; to the Committee on Ways and Means.

181. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; to the Committee on Ways and Means.

182. Also, a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003-C memorializing the United States Congress to reinstate the federal income tax deduction for state and local sales tax paid; to the Committee on Ways and Means.

183. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 949 Joint Resolution memorializing the Congress of the United States to require the United States Department of Labor to examine its methodology for calculating rates in the

Woods Wage Survey, to establish heavy equipment operational rates and to remove barriers to the health and safety of persons harvesting forest products; jointly to the Committees on Education and the Workforce and Ways and Means.

184. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to enact the Child Modeling Exploitation Prevention Act of 2002; jointly to the Committees on Education and the Workforce and the Judiciary.

185. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress to urge maintenance of federal funding for the Low Income Home Energy Assistance Program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 204 memorializing the United States Congress to reinstate funding for the EPA Border Fund to \$75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

187. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 317 the House of Representatives of the Commonwealth of Pennsylvania urging the Congress of the United States to create a Federal Medicare prescription drug benefit plan which works seamlessly with Pennsylvania's PACE and PACENET programs; jointly to the Committees on Ways and Means and Energy and Commerce.

188. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 101 memorializing the United States Congress to enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to enact the Protect Children From E-Mail Smut Act of 2001; jointly to the Committees on Energy and Commerce, the Judiciary, and Science.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GRIJALVA introduced A bill (H.R. 2988) for the relief of Silvia Lorenia Parra; which was referred to the Committee on the Judiciary.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. NUSSLE, Mr. RUSH, Mr. HILL, Mr. WEINER, Mr. MARKEY, Mr. MEEHAN, Mr. SCOTT of Georgia, Mr. SPRATT, and Mr. FRANK of Massachusetts.

H.R. 52: Ms. KILPATRICK.

H.R. 97: Mr. TAYLOR of North Carolina and Mr. BURR.

H.R. 135: Mr. SESSIONS.

H.R. 173: Mr. BURNS and Ms. HOOLEY of Oregon.

H.R. 206: Mr. PETERSON of Minnesota.

- H.R. 218: Mr. NUSSLE.  
H.R. 235: Mr. BOOZMAN, Mr. TIAHRT, and Mr. MCHUGH.  
H.R. 236: Mr. TAYLOR of Mississippi and Ms. DEGETTE.  
H.R. 262: Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, and Mr. VAN HOLLEN.  
H.R. 284: Mr. STUPAK, Mr. WALDEN of Oregon, and Mr. BLUMENAUER.  
H.R. 296: Mr. OWENS and Mr. CUMMINGS.  
H.R. 299: Mr. ISRAEL.  
H.R. 365: Mr. SNYDER and Mr. FROST.  
H.R. 366: Mr. UDALL of Colorado.  
H.R. 369: Mr. HOBSON.  
H.R. 371: Mr. CROWLEY.  
H.R. 375: Mr. GOODLATTE.  
H.R. 422: Mr. JOHNSON of Illinois.  
H.R. 466: Mr. FARR and Mr. DOYLE.  
H.R. 476: Mr. TIERNEY.  
H.R. 528: Mr. LYNCH.  
H.R. 571: Mr. PLATTS, Mr. SHADEGG, and Mr. GONZALEZ.  
H.R. 584: Mr. MILLER of North Carolina.  
H.R. 594: Ms. KILPATRICK.  
H.R. 632: Ms. HOOLEY of Oregon.  
H.R. 687: Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. HEFLEY, and Mr. MILLER of Michigan.  
H.R. 707: Mr. TIERNEY.  
H.R. 709: Mr. NEUGEBAUER and Mr. MORAN of Kansas.  
H.R. 716: Ms. BALDWIN and Mr. DAVIS of Illinois.  
H.R. 745: Mr. ROTHMAN.  
H.R. 767: Mr. SIMPSON.  
H.R. 775: Mr. OSBORNE.  
H.R. 791: Mr. COBLE, Mr. OXLEY, Mr. FOSSELLA, Mr. POMEROY and Mr. BERRY.  
H.R. 792: Mr. FLETCHER, Mr. LANTOS, Mrs. MILLER of Michigan, Mr. NUSSLE, and Mr. ADERHOLT.  
H.R. 806: Mr. WELLER.  
H.R. 813: Mr. OBEY.  
H.R. 814: Ms. LOFGREN and Mr. LIPINSKI.  
H.R. 829: Mr. CROWLEY.  
H.R. 833: Mr. PETERSON of Minnesota and Mr. STENHOLM.  
H.R. 839: Mr. GONZALEZ, Mrs. BONO, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. HONDA, Mr. DELAHUNT, Mr. WELDON of Pennsylvania, Mr. NUSSLE, Mr. HUNTER, Mr. FOSSELLA, Mr. HERGER, Ms. DEGETTE, Mr. OXLEY, Mr. BERRY, Mr. COX, and Mr. NEY.  
H.R. 857: Ms. MCCARTHY of Missouri.  
H.R. 870: Mr. RYAN of Wisconsin and Mr. BRADY of Texas.  
H.R. 871: Mr. MARSHALL.  
H.R. 882: Mr. HASTINGS of Washington.  
H.R. 887: Mr. OLVING, Mr. LATOURETTE, Mr. TIERNEY, and Ms. HOOLEY of Oregon.  
H.R. 898: Mr. BRADY of Texas and Mr. SMITH of Washington.  
H.R. 918: Mr. WHITFIELD, Mr. KIND, Mr. GOSS, Mr. PETERSON of Minnesota, Mr. BOOZMAN, Mrs. MCCARTHY of New York, Mr. UPTON, Mr. BURNS, and Mr. KING of New York.  
H.R. 943: Mr. OWENS.  
H.R. 962: Mr. WEXLER and Mr. CARDIN.  
H.R. 990: Mr. BOOZMAN, Mr. KINGSTON, and Mr. TOOMEY.  
H.R. 1102: Mr. ALEXANDER.  
H.R. 1105: Ms. KAPTUR, Mr. HOLDEN, and Mr. TAYLOR of Mississippi.  
H.R. 1118: Mr. BOOZMAN, Ms. HARRIS, and Mr. BLUMENAUER.  
H.R. 1125: Mr. LANTOS, Mr. MENENDEZ, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. HONDA, Mrs. MILLER of Michigan, Mr. EDWARDS, Mr. VITTER, Mr. PITTS, and Mr. ADERHOLT.  
H.R. 1160: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. PASTOR, Mr. NADLER, and Mr. JENKINS.  
H.R. 1210: Ms. LINDA T. SANCHEZ of California, and Mr. GRIJALVA.  
H.R. 1214: Mr. PRICE of North Carolina.  
H.R. 1225: Mr. WOLF.  
H.R. 1258: Mrs. BIGGERT.  
H.R. 1264: Ms. NORTON.  
H.R. 1295: Ms. NORTON, Mr. SCHIFF, Ms. SLAUGHTER, and Mr. STUPAK.  
H.R. 1305: Mr. ISSA.  
H.R. 1316: Mr. MCHUGH.  
H.R. 1322: Mr. CONYERS and Mr. WAXMAN.  
H.R. 1340: Mr. TIERNEY and Mr. ALLEN.  
H.R. 1353: Ms. LOFGREN.  
H.R. 1372: Mr. BURGESS and Mr. GONZALEZ.  
H.R. 1385: Ms. ESHOO and Mr. DINGELL.  
H.R. 1406: Mr. GOODLATTE.  
H.R. 1414: Ms. HOOLEY of Oregon.  
H.R. 1422: Mrs. MCCARTHY of New York, Mr. LEWIS of Kentucky, Mr. FLETCHER, and Mr. DEAL of Georgia.  
H.R. 1425: Ms. NORTON.  
H.R. 1428: Mr. UDALL of New Mexico.  
H.R. 1470: Mrs. JONES of Ohio and Ms. HOOLEY of Oregon.  
H.R. 1482: Ms. MCCOLLUM.  
H.R. 1502: Ms. HOOLEY of Oregon.  
H.R. 1513: Mr. BERRY, Mr. BLUNT, Mr. COBLE, Mr. LAMPSON, and Mr. ROTHMAN.  
H.R. 1535: Mr. COOPER, Mr. CROWLEY, and Mr. JEFFERSON.  
H.R. 1605: Ms. DEGETTE.  
H.R. 1622: Mr. SAXTON and Mr. BLUMENAUER.  
H.R. 1626: Mr. LUCAS of Kentucky and Mr. ORTIZ.  
H.R. 1633: Mr. STENHOLM.  
H.R. 1684: Ms. MCCOLLUM.  
H.R. 1692: Ms. HOOLEY of Oregon.  
H.R. 1694: Mr. MCDERMOTT.  
H.R. 1708: Mr. MICA.  
H.R. 1713: Ms. HOOLEY of Oregon.  
H.R. 1731: Mr. GOODE and Mr. FRANK of Massachusetts.  
H.R. 1735: Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.  
H.R. 1749: Mr. CRANE, Mr. THORNBERRY, Mr. VAN HOLLEN, Mr. BERRY, Mr. STARK, Mr. CLYBURN, Mr. SABO, Mr. HAYWORTH, Ms. NORTON, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. ANDREWS, Mr. GILCHREST, Mr. BURTON of Indiana, and Mr. NUSSLE.  
H.R. 1751: Ms. HOOLEY of Oregon.  
H.R. 1755: Mr. BARRETT of South Carolina and Mr. FOLEY.  
H.R. 1767: Mr. BURNS and Mr. KNOLLENBERG.  
H.R. 1769: Mr. SANDLIN and Mr. HOYER.  
H.R. 1776: Mr. PUTNAM and Mr. BURTON of Indiana.  
H.R. 1796: Mr. CASE.  
H.R. 1819: Mr. ALLEN.  
H.R. 1822: Mr. LEWIS of California, Mrs. DAVIS of California, Mr. BACA, Mr. MATSUI, Mr. STARK, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, and Mr. GEORGE MILLER of California.  
H.R. 1824: Mr. LUCAS of Kentucky, Mr. INSLEE, and Mrs. KELLY.  
H.R. 1828: Mr. GONZALEZ.  
H.R. 1829: Mr. BARRETT of South Carolina and Mr. DOYLE.  
H.R. 1862: Mr. WELDON of Pennsylvania.  
H.R. 1873: Mr. BRADLEY of New Hampshire, Mr. VITTER, and Mr. WELDON of Florida.  
H.R. 1886: Ms. HOOLEY of Oregon.  
H.R. 1910: Mr. BLUMENAUER, Mr. BECERRA, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. SABO, Mr. MURTHA, Mr. KIRK, and Mr. BACHUS.  
H.R. 1914: Mr. BISHOP of Georgia, Mr. SULLIVAN, and Mr. RANGEL.  
H.R. 1963: Mr. MARSHALL.  
H.R. 1999: Mr. LATOURETTE, Mr. KLECZKA, and Mr. ACKERMAN.  
H.R. 2008: Mr. MEEHAN.  
H.R. 2038: Mr. HOYER.  
H.R. 2042: Mr. ACKERMAN, Mrs. MALONEY, and Mr. HOFFEL.  
H.R. 2045: Mr. CALVERT, Mr. SHIMKUS, and Mr. PAUL.  
H.R. 2081: Mr. DAVIS of Illinois.  
H.R. 2096: Mr. ROGERS of Alabama, Mr. FLETCHER, Mr. CANTOR, Mr. KILDEE, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 2125: Mr. GUTIERREZ.  
H.R. 2154: Mr. BURGESS.  
H.R. 2172: Mr. RYAN of Ohio, Mr. PASCRELL, and Mr. BARRETT of South Carolina.  
H.R. 2208: Mrs. JO ANN DAVIS of Virginia.  
H.R. 2218: Mr. GRIJALVA.  
H.R. 2238: Mrs. BONO and Mr. NEUGEBAUER.  
H.R. 2239: Ms. BALDWIN, Mr. KUCINICH, and Mr. HASTINGS of Florida.  
H.R. 2240: Mr. WU and Mr. BLUMENAUER.  
H.R. 2246: Mr. TIERNEY and Mr. HALL.  
H.R. 2264: Mr. STRICKLAND.  
H.R. 2292: Mr. CLYBURN.  
H.R. 2300: Mr. GORDON, Mr. VAN HOLLEN, and Mr. UDALL of Colorado.  
H.R. 2311: Mr. WEXLER.  
H.R. 2314: Mr. PETERSON of Minnesota, Mr. KUCINICH, and Ms. SLAUGHTER.  
H.R. 2318: Mr. MEEHAN.  
H.R. 2323: Mr. DOYLE.  
H.R. 2327: Mr. DOYLE.  
H.R. 2329: Mr. WAXMAN and Mr. WEXLER.  
H.R. 2349: Mr. DAVIS of Illinois.  
H.R. 2353: Mr. GRIJALVA, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.  
H.R. 2361: Mr. SCHROCK.  
H.R. 2365: Mrs. JONES of Ohio and Mr. RUPPERSBERGER.  
H.R. 2379: Mr. DEMINT and Mr. NEUGEBAUER.  
H.R. 2385: Mr. KIND.  
H.R. 2418: Mr. DAVIS of Illinois.  
H.R. 2435: Mrs. LOWEY, Mr. BACA, and Mr. GONZALEZ.  
H.R. 2437: Mr. SANDERS and Mr. KUCINICH.  
H.R. 2448: Mr. COBLE.  
H.R. 2456: Ms. BALDWIN and Mrs. CHRISTENSEN.  
H.R. 2462: Ms. MCCARTHY of Missouri, Mr. BALLANCE, Mr. ROTHMAN, Mr. TAYLOR of Mississippi, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 2470: Mr. GRIJALVA, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.  
H.R. 2504: Mrs. DAVIS of California.  
H.R. 2505: Mr. STRICKLAND and Ms. SLAUGHTER.  
H.R. 2515: Mr. TANCREDO.  
H.R. 2517: Mr. FORBES.  
H.R. 2536: Ms. KAPTUR and Mr. KUCINICH.  
H.R. 2540: Mr. TERRY, Mr. BILIRAKIS, Mr. SPRATT, and Mr. STUPAK.  
H.R. 2546: Mr. DAVIS of Illinois.  
H.R. 2548: Mr. WAXMAN.  
H.R. 2560: Mr. LINDER and Mr. GOODE.  
H.R. 2582: Ms. ESHOO.  
H.R. 2603: Mr. SHADEGG.  
H.R. 2615: Mr. FROST, Mr. MARKEY, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. REYES, Mr. ETHERIDGE, Mr. DOYLE, and Mr. RANGEL.  
H.R. 2616: Ms. WOOLSEY, Mr. DOGGETT, Mr. ALLEN, and Mr. MCGOVERN.  
H.R. 2622: Mr. STRICKLAND, Mr. BURTON of Indiana, Mr. KIND, and Mr. DEAL of Georgia.  
H.R. 2625: Mr. DELAHUNT, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. DOYLE, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. NORTON, Ms. KAPTUR, Mr. PASTOR, Ms. CARSON of Indiana, Mr. KILDEE, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. STUPAK, Mr. CONYERS, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. CARDIN, Mr. WU, Mr. GUTIERREZ, Ms. LINDA T. SANCHEZ of California, Mr. BALLANCE, Mr. WATT, Mr. MENENDEZ, Mr. CLYBURN, Mr. GONZALEZ, and Ms. MCCOLLUM.  
H.R. 2626: Mr. LARSEN of Washington.  
H.R. 2655: Mr. NADLER.  
H.R. 2659: Mr. JONES of North Carolina, Mr. FOLEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICA.  
H.R. 2662: Mr. ENGLISH.  
H.R. 2665: Mr. OBERSTAR and Ms. MCCOLLUM.

H.R. 2668: Mr. WALSH.  
 H.R. 2671: Mr. JANKLOW.  
 H.R. 2678: Ms. SLAUGHTER.  
 H.R. 2679: Mr. ACKERMAN, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. McNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER.  
 H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.  
 H.R. 2694: Mr. SIMMONS, Mr. PUTNAM, Mr. ROSS, Mr. SAXTON, Mr. HEFLEY, and Mr. HAYWORTH.  
 H.R. 2702: Mr. GILCHREST and Mr. DEAL of Georgia.  
 H.R. 2705: Mr. PETERSON of Minnesota and Mr. LIPINSKI.  
 H.R. 2706: Mr. TANNER, Mr. CAMP, Mr. PITTS, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. JEFFERSON, Mr. ALEXANDER, Mrs. JONES of Ohio, Mr. BRADY of Texas, and Mr. CRANE.  
 H.R. 2707: Mr. FILNER.  
 H.R. 2711: Ms. SLAUGHTER, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. PALLONE, Ms. NORTON, and Ms. HARMAN.  
 H.R. 2717: Ms. SLAUGHTER and Mr. RANGEL.  
 H.R. 2719: Mr. ENGLISH, Mr. UPTON, Mr. SHAW, Mr. FORD, and Mr. CANTOR.  
 H.R. 2720: Mr. STRICKLAND and Mrs. JONES of Ohio.  
 H.R. 2727: Mr. KUCINICH.  
 H.R. 2732: Mr. SHIMKUS, Mr. CANTOR, and Mr. SIMPSON.  
 H.R. 2735: Mr. MORAN of Virginia and Mr. LIPINSKI.  
 H.R. 2751: Mr. PUTNAM.  
 H.R. 2755: Mr. CUNNINGHAM.  
 H.R. 2760: Mr. ENGEL.  
 H.R. 2767: Ms. KILPATRICK and Mr. PAYNE.  
 H.R. 2768: Mr. FORBES, Mr. KNOLLENBERG, and Mr. PORTMAN.  
 H.R. 2788: Mr. KUCINICH.  
 H.R. 2801: Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. PAYNE, Mrs. NAPOLITANO, Mr. MENENDEZ, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. ROSS, Mr. CROWLEY, Mr. RODRIGUEZ, Mr. JEFFERSON, Mr. ETHERIDGE, Mr. ACEVEDO-VILA, Mr. GORDON, Mr. MARSHALL, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. MILLER of North Carolina, Mr. WELDON of Pennsylvania, Mr. HAYES, Mrs. JONES of Ohio, Mr. GILCHREST, and Mr. WICKER.  
 H.R. 2806: Mr. SNYDER, Mr. WOLF, Mr. TURNER of Texas, Mr. HEFLEY, Mr. WILSON of South Carolina, Mr. BAKER, Mr. BONNER, Mr. GOODE, and Mr. MCDERMOTT.  
 H.R. 2808: Mr. BAKER, Mr. BLUMENAUER, Ms. DEGETTE, Mr. ENGEL, Mr. ETHERIDGE, Mr. MCINTYRE, Mrs. MYRICK, and Mr. SHERMAN.  
 H.R. 2813: Mrs. BLACKBURN.  
 H.R. 2814: Mr. ENGLISH.  
 H.R. 2821: Mr. RAMSTAD.  
 H.R. 2825: Mr. WALDEN of Oregon, Mr. PITTS, and Mr. GILLMOR.  
 H.R. 2837: Mr. McNULTY, Mr. GRIJALVA, Mr. JEFFERSON, and Mr. FROST.  
 H.R. 2839: Mr. FOLEY.  
 H.R. 2840: Mr. DAVIS of Illinois.  
 H.R. 2849: Mr. HOSTETTLER.  
 H.R. 2850: Mr. RODRIGUEZ.  
 H.R. 2851: Mr. HERGER.  
 H.R. 2856: Mr. PAYNE and Mr. HOLT.  
 H.R. 2871: Mr. CROWLEY, Mr. RUPPERSBERGER, and Ms. MCCOLLUM.  
 H.R. 2873: Ms. JACKSON-LEE of Texas and Mr. FARR.

H.R. 2876: Mr. DUNCAN, Mr. RUPPERSBERGER, and Mr. HOLT.  
 H.R. 2881: Mr. NEY.  
 H.R. 2883: Ms. BERKLEY.  
 H.R. 2885: Mr. SOUDER.  
 H. J. Res. 56: Mr. BALLENGER, Mrs. MYRICK, and Mr. TOOMEY.  
 H. Con. Res. 45: Ms. HOOLEY of Oregon.  
 H. Con. Res. 76: Mr. SCOTT of Georgia and Mr. OSBORNE.  
 H. Con. Res. 94: Mr. HAYWORTH, Mr. MARSHALL, Mr. DOOLITTLE, Mr. HINCHEY, and Mr. DOYLE.  
 H. Con. Res. 145: Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. UPTON, Mr. McNULTY, and Ms. NORTON.  
 H. Con. Res. 154: Mr. DAVIS of Illinois.  
 H. Con. Res. 155: Mrs. JONES of Ohio.  
 H. Con. Res. 213: Mr. LARSEN of Washington.  
 H. Con. Res. 242: Mr. SHAW, Mr. WOLF, Mr. BURTON of Indiana, Mr. McNULTY, Mrs. MALONEY, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.  
 H. Con. Res. 247: Ms. NORTON.  
 H. Con. Res. 252: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, and Mr. FORD.  
 H. Con. Res. 256: Mr. RANGEL.  
 H. Res. 32: Mr. ENGEL.  
 H. Res. 42: Mr. JANKLOW, Mr. FOLEY, Mrs. CHRISTENSEN, Mr. McNULTY, Ms. SLAUGHTER, Mr. SNYDER, Ms. KAPTUR, and Mrs. JONES of Ohio.  
 H. Res. 45: Mr. HOLT.  
 H. Res. 65: Ms. LINDA T. SANCHEZ of California.  
 H. Res. 144: Mr. BISHOP of New York.  
 H. Res. 174: Ms. HOOLEY of Oregon.  
 H. Res. 261: Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. PLATTS, and Ms. MCCOLLUM.  
 H. Res. 304: Mr. LIPINSKI and Mr. SCHIFF.  
 H. Res. 307: Mr. FRANK of Massachusetts.  
 H. Res. 313: Mr. CLYBURN.  
 H. Res. 325: Mr. WEXLER, Mr. McNULTY, Mr. CHABOT, and Mr. SHAW.  
 H. Res. 327: Mrs. JONES of Ohio.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2735: Mr. WEXLER.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 295 of 2003 petitioning the United States Congress to adopt "The Nationwide Health Tracking Act of 2002" (Senate Law S. 2054 IS, HR 4061 IH); to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 292 of 2003 petitioning the United States Congress to extend compensation and other benefits to their full time employees who are members of organized militia of any reserve force or reserve component of the armed forces unit of the United States called to active duty; to the Committee on Government Reform.

36. Also, a petition of City of Soldotna, Alaska, relative to Resolution No. 2003-52 pe-

tioning the United States Congress to support the protection of the civil liberties as guaranteed in the U.S. Bill of Rights and support a revision of the "Patriot Act" to ensure civil liberties and protect the rights of all citizens including residents of Soldotna; to the Committee on the Judiciary.

37. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 291 of 2003 petitioning the United States Congress to restore proposed cuts to veterans services provided through the United States Department of Veterans Affairs; to the Committee on Veterans' Affairs.

#### DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names of the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Chaka Fattah.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2861

OFFERED BY: Mr. FATTAH

AMENDMENT No. 19: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the second dollar amount, insert the following: "(increased by \$4,500,000)".

H.R. 2861

OFFERED BY: Mr. INSLEE

AMENDMENT No. 20: In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by \$5,400,000) (increased by \$5,400,000)".

H.R. 2861

OFFERED BY: Mr. KANJORSKI

AMENDMENT No. 21: At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_ None of the funds appropriated or otherwise made available by this Act may be used to carry out the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject "Status of VHA Enrollment and Associated Issues".

H.R. 2861

OFFERED BY: Ms. JACKSON-LEE OF TEXAS

AMENDMENT No. 22:

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 for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.