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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 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.

MESSAGE FROM THE SENATE

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

S.J. Res. 17. Joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of Andrew J. Imperato, of Maryland, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Christine M. Griffin, of Massachusetts.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

FUTURE OF SOCIAL SECURITY

Mr. SMITH of Michigan. Mr. Speaker, in 5 minutes I am going to give a short tutorial on the bleak future of Social Security. A proposal that I just introduced, H.R. 3055 tries to make sure that we keep Social Security solvent. Social Security is one of the most successful programs in assuring that retirees continue to have some real social security.

After the Great Depression, Franklin Delano Roosevelt said what we should have is a program of forced savings during one's working years, to set aside to make sure that people have some money in retirement.

Well, as it turned out, the law that was passed provided that nothing was set aside in an individual's name. Existing workers paid in the Social Security tax and that was immediately sent out to current retirees. It was sort of a pay-as-you-go program.

It is, if you will, Mr. Speaker, like a chain letter. Uncle Sam says, look, here is a list of names; put your name at the bottom of the list and send a check to all those people above you. And when your name gets to the top when you retire, all of the people below you at that time will send you a check.

The problem is there will be fewer people to send you a check. There are two colliding forces, not only in the United States but across the world where the age of death is higher. We are living longer. And at the same time, the birth rate is going down.

In Europe, France now has a payroll tax of 51 percent. You make a dollar and have to give 51 percent to the government to take care of the seniors in that country. That is because a pay-as-you-go program with such a large senior population and a reducing birth rate means fewer number of workers to pay in, which means each individual workers has to pay out more in taxes.

Let us not let the United States come to that predicament because it will mean one of two things: a company either charges, more for this products to pay for the extra cost of that tax or you pay workers less. Either way, it is bad for the future of our economy and our ability to compete with other countries.

Mr. Speaker, let me describe H.R. 3055: The trust fund continues in our bill. The Retirement Security Act would allow workers to create on a voluntary basis accounts funded from their payroll taxes. The accounts would start at 2.5 percent of income and would reach 8 percent by 2075, a slow process as you shift away from the pay-as-you-go. Workers would own the money in their accounts. Investments would be limited and widely diversified, and investment proceeds would be subject to government oversight.

The government would supplement the accounts of low-income workers making less than $35,000 a year to ensure they build up a significant savings. What is important in those early years is the magic of compound interest, starting with a small amount of dollars and letting it grow. Again, it is an optional program.

People choosing to participate in the voluntary account program would continue to receive benefits directly from the government, and those benefits would be offset based on the amount of money going in. But they would be guaranteed so that the person that opts in to a personal retirement savings account would be guaranteed that they would be at least as well off as those that did not take that option.

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Worker accounts: all worker accounts would be owned by the worker and invested through pools supervised by the government. Regulations would be instituted to prevent people from taking undue risk. Until an account balance reaches $2,500, a worker would be limited on the kind of index investments they could make; and after the balance reaches $2,500, they would have more flexibility but only investing in safe accounts as determined by the Secretary of the Treasury.

The fairness to women's provision that we put in this bill: for married couples, account contributions would be pooled and then divided equally between the husband and wife. So whatever the husband and wife would be eligible to invest would be added together and divided by two so each spouse would have the same in their individual account. Second, it would increase surviving spouse benefits to 110 percent of the higher-earning spouse's benefits. Third, stay-at-home mothers with kids under 5 would receive retirement credit. In other words, we are saying for a spouse that stays home with those young kids, they can have those years credited at the average for the other years.

In conclusion, Social Security solvency, the Retirement Security Act has been scored by the Social Security Administration actuaries to keep the program solvent. There would be no increases in the retirement age, changes in benefits for seniors or near-seniors, or changes in the Social Security COLA.

Mr. Speaker, there are only 24 Members in the House and Senate that have ever signed onto a bill. We need to move ahead and save this program.

AMERICA DESERVES STRAIGHT TALK ON THE ENVIRONMENT

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

Mr. BLUMENAUER. Mr. Speaker, this administration is well known for spinning the truth, a very polite term for a lamentable practice. For example, over two-thirds of the American public think that Saddam Hussein and the Iraqis have some linkage to the attack of September 11, when, 2 years after the fact, there remains no evidence, despite the efforts of the administration to rhetorically connect these events.

The administration's habit of using misleading language is at its worst with the environment. Their Clear Skies Initiative will actually permit dirtier air. Relaxation of the New Source Review rules will inhibit the intent of the Clean Air Act, which 30 years ago gave a reprieve to the dirtiest coal fired plants, a reasonable time to come into compliance. The New Source Review rules were designed so that when plants modernize, new anti pollution technology must be put in place. Instead, the agencies have kept these aging dinosaurs in use because, simply, they make more money.

Rather than enforcing the Clean Air Act as previous administrations have done to encourage the industry, President Bush now proposes that these old plants continue to be grandfathered permanently. Changes to the New Source Rules announced last month will allow plants to make a 20 percent investment each year without triggering the New Source Rule. There is no reason for them to ever come into full compliance.

Because of the prevailing winds, the pollution is not just in the vicinity of the plant or in that State that allows it to operate. The effects are concentrated, particularly in the New England States. And attorneys general in New York, New Jersey, Pennsylvania, as well as some midwest States like Wisconsin and Illinois are lining up to challenge this rule in court.

Yesterday, the President was in Michigan to promote his Clear Skies Initiative; but he had the audacity to appear at one of the Nation's dirtiest power plants in Monroe, which is responsible, we are told, for approximately 300 premature deaths each year.

The Detroit Free Press points out that the mercury emissions at that plant have gone up over the course of the last 2 years, and this Clear Skies Initiative will allow more mercury emissions than simply enforcing the current law.

The President attempted to paint to this as a jobs-creation issue; but local labor leaders pointed out that when the Monroe plant owner, Detroit Edison, found out that the New Source Review rules were going to be relaxed, they promptly stop their efforts to install pollution controls required by law and fired 800 union workers who had been installing them. Lost jobs, dirtier air, health problems for thousands.

The pending energy bill should be an opportunity to rectify these problems with cleaner air, reducing the dependence on foreign oil and maybe even protecting the power grid recently proven vulnerable. Instead, we currently have a grab bag of incentives for special interests that shortchanges efficiency, continues reliance on expensive imported foreign oil, and delays the day of reckoning for electrical power to clean the air and a more fuel-efficient auto industry.

It is not too late for the administration and the Congress to deal meaningfully with two or three of these items that would actually help the American public. It is not just protecting the environment and the health of our citizens; it is a matter of long-term economic stability and security at a time when we have almost 140,000 American troops in and around Iraq in no small measure to secure Middle East oil.

The Bush administration should be straight with the American public about the economic, environmental, and security consequences. Rather than a misleading photo-op, we should work for the meaningful environmental progress that America deserves.

VICTORY'S PRICE

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

Mr. DELAY. Mr. Speaker, a generation from now Iraq will either be a thriving democratic ally of the United States, or an enemy of unimaginable hatred, ruled by a violent government of, for, and by international terrorists.

A generation from now the battle of Iraq, now the central component of the war on terror, will have succeeded or have failed. America will have won or lost; and our brave heroes who gave their lives there will have sacrificed for virtue or died in vain.

The toppling of Saddam Hussein's status in Firdos Square will have been the dawn of an age of Middle East freedom and stability, or it will have been the cruel joke that ushered in an era of unspeakable terror in the region.

There is no middle ground. Freedom and terrorism cannot co-exist. This struggle between good and evil will be decided by victory or surrender, in security or in shame.

And the terrorists understand the stakes. That is why they swarmed like scorpions into Iraq. They know that their true enemy is not our weapons, but our own will. And thankfully, so does President George W. Bush. That is why he spoke to the Nation last week and announced his request for additional funds to prosecute the war.

The question now before us is whether we realize, as the terrorists do, that the separate stand they are making in Iraq is the last best hope for their evil ideology.

Mr. Speaker, our mission in Iraq is not related to the war on terror. It is the war on terror. The enemy has chosen to make his stand right there. And if victory is our aim, we must not yield until the last terrorist in Iraq is in a cell or in a cemetery. Whether it costs $87 billion or $187 billion, our absolute victory in the war and the peace is worth any price, because without victory, there will be no survival.

□ 1245

If we are to take the war on terror seriously, we must spend what it takes to win. Critics and candidates may measure wars by the dollars that they cost, but the American people will measure this war, as we did in World War II and the Cold War, by the lives it saves, the evil it destroys and the freedom it preserves.

ADMINISTRATION PLAYING FAST AND LOOSE WITH THE FACTS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 7, 2003, the gentleman from Massachusetts (Mr.

MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, it is becoming increasingly and disturbingly clear that the Bush administration is not being truthful with the American people. From the economy to the environment to the war in Iraq, too often members of the administration play fast and loose with the facts.

They said their massive tax cuts for the wealthy would produce thousands of new jobs. In fact, we have lost not thousands but millions of jobs.

They pledged that no child would be left behind, when, in fact, their education budget fails to live up to its promises and many children are being left behind.

They say there is no real evidence of global warming when, in fact, the vast majority of the scientific evidence disagrees, and it is absolutely stunning to see how hostile this administration is to our precious environment.

On foreign policy it is even worse. For example, in a television interview over the weekend, Vice President CHENEY rejected suggestions from Democrats, Republicans and people around the world that perhaps a different approach is needed in Iraq. The Vice President insisted that the administration's Iraq policy is a rousing success, but after hundreds of American casualties, billions of American taxpayer dollars, zero weapons of mass destruction and facing a long-term occupation of Iraq, that does not seem like the definition of a rousing success.

Before the war, the administration said it would cost between $50 and $100 billion. Mr. Speaker, we now know that the cost of the war in Iraq is at $166 billion and counting.

According to the Washington Post, the Vice President pointed to Iraq's prewar possession of 500 tons of uranium as evidence of their reconstituted, to use his word, nuclear program. The reality is the material was low-grade uranium that could not be used for weapons without sophisticated processing that Iraq could not do.

Perhaps most disturbingly, the Vice President and other members of this administration continue to cloud the issue regarding the link between Iraq and the terrible tragedy of September 11.

The Vice President on Sunday insisted that the relationship between Iraq and al Qaeda ''involved training, for example, on biological and chemical weapons, that al Qaeda sent personnel to Baghdad to get trained on the systems.''

According to a report in today's Boston Globe, however, those claims are based on the hearsay of a terrorist, have never been verified, cannot be proven, and are questionable at best, and Mr. Speaker, I would put the full story of the Boston Globe in the RECORD at this point.

[From the Boston Globe]

CHENEY LINK OF IRAQ, 9/11 CHALLENGED

(By Anne E. Kornblut and Bryan Bender, Sept. 16, 2003)

WASHINGTON.—Vice President Dick Cheney, anxious to defend the White House foreign policy amid ongoing violence in Iraq, stunned intelligence analysts and even members of his own administration this week by failing to dismiss a widely discredited claim: that Saddam Hussein might have played a role in the Sept. 11 attacks.

Evidence of a connection, if any exists, has never been made public. Details that Cheney cited to make the case that the Iraqi dictator had ties to Al Qaeda have been dismissed by the CIA as having no basis, according to analysts and officials. Even before the war in Iraq, most Bush officials did not explicitly state and Iraq had a part in the attack on the United States two years ago.

But Cheney left that possibility wide open in a nationally televised interview two days ago, claiming that the administration is learning ''more and more'' about connections between Al Qaeda and Iraq before the Sept. 11 attacks. The statement surprised some analysts and officials who have reviewed intelligence reports from Iraq.

Democrats sharply attacked him for exaggerating the threat Iraq posed before the war.

''There is no credible evidence that Saddam Hussein had anything to do with 9/11,'' Senator Bob Graham, a Democrat running for president, said in an interview last night. ''There was no such relationship.''

A senior foreign policy adviser to Howard Dean, the Democratic front-runner, said it is ''totally inappropriate for the vice president to continue making these allegations without bringing forward'' any proof.

Cheney and his representatives declined to comment on the vice president's statements. But the comments also surprised some in the intelligence community who are already simmering over the way the administration utilized intelligence reports to strengthen the case for the war last winter.

Vincent Cannistraro, a former CIA counterterrorism specialist, said that Cheney's ''willingness to use speculation and conjecture as facts in public presentations is appalling. It's astounding.''

In particular, current intelligence officials reiterated yesterday that a reported Prague visit in April 2001 between Sept. 11 hijacker Mohamed Atta and an Iraqi agent had been discounted by the CIA, which sent former agency Director James R. Woolsey to investigate the claim. Woolsey did not find any evidence to confirm the report, officials said, and President Bush did not include it in the case for war in his State of the Union address last January.

But Cheney, on NBC's ''Meet the Press,'' cited the report of the meeting as possible evidence of an Iraq-Al Qaeda link and said it was neither confirmed nor discredited, saying.

''We've never been able to develop any more of that yet, either in terms of confirming it or discrediting it. We just don't know.''

Multiple intelligence officials said that the Prague meeting, purported to be between Atta and senior Iraqi intelligence officer Ahmed Khalil Ibrahim Samir al-Ani, was dismissed almost immediately after it was reported by Czech officials in the aftermath of Sept. 11 and has since been discredited further.

The CIA reported to Congress last year that it could not substantiate the claim, while American records indicate Atta was in Virginia Beach, Va., at the time, the officials said yesterday. Indeed, two intelligence officials said yesterday that Ani himself, now in U.S. custody, has also refuted the report. The Czech government has also distanced itself from its original claim.

A senior defense official with access to high-level intelligence reports expressed confusion yesterday over the vice president's decision to reair charges that have been dropped by almost everyone else. ''There isn't any new intelligence that would precipitate anything like this,'' the official said, speaking on condition he not be named.

Nonetheless, 60 percent of Americans believe that Hussein probably had a part in attacking the United States, according to a recent Washington Post poll. And Democratic senators have charged that the White House is fanning the misperception by mentioning Hussein and the Sept. 11 attacks in ways that suggest a link.

Bush administration officials insisted yesterday that they are learning more about various Iraqi connections with Al Qaeda. They said there is evidence suggesting a meeting took place between the head of Iraqi intelligence and Osama bin Laden in Sudan in the mid-1990s; another purported meeting was said to take place in Afghanistan, and during it Iraqi officials offered to provide chemical and biological weapons training, according to officials who have read transcripts of interrogations with Al Qaeda detainees.

But there is no evidence proving the Iraqi regime knew about or took part in the Sept. 11 attacks, the Bush officials said.

Former senator Max Cleland, who is a member of the national commission investigating the attacks, said yesterday that classified documents he has reviewed on the subject weaken, rather than strengthen, administration assertions that Hussein's regime may have been allied with Al Qaeda.

''The vice president trying to justify some connection is ludicrous,'' he said.

Nonetheless, Cheney, in the ''Meet the Press'' interview Sunday, insisted that the United States is learning more about the links between Al Qaeda and Hussein.

''We learn more and more that there was a relationship between Iraq and Al Qaeda that stretched back through most of the decade of the '90s,'' Cheney said, ''that it involved training, for example, on [biological and chemical weapons], that Al Qaeda sent personnel to Baghdad to get trained on the systems.''

The claims are based on a prewar allegation by a ''senior terrorist operative,'' who said he overheard an Al Qaeda agent speak of a mission to seek biological or chemical weapons training in Iraq, according to Secretary of State Colin Powell's statement to the United Nations in February.

But intelligence specialists told the Glove last August that they have never confirmed that the training took place, or identified where it could have taken place. ''The general public just doesn't have any independent way of weighing what is said,'' Cannistraro, the former CIA counterterrorism specialist, said. ''If you repeat it enough times . . . then people become convinced it's the truth.''

Mr. MCGOVERN. Before the war, we were told that Iraq possessed stockpiles of chemical and biological weapons. Today, the administration is singing a very different tune. They now talk about Iraq ''maintaining the capability to develop'' those weapons. Maintaining the capability to develop? Is that what passes for proof in the Bush administration?

There are those who occasionally attempt to give straight answers. Larry Lindsay gave an accurate prediction of how much the war would cost. He got

fired. General Shinseki told the truth about how many troops would be needed in Iraq. He has been replaced.

In the Bush administration, it seems loyalty to the party line is more important than candor.

Mr. Speaker, we are talking about important issues here, issues of war and peace, life and death. The American people deserve to know the truth. They deserve straight talk, not some intentionally muddied rationale created for political purposes. They deserve a lot better than they are getting from this administration.

AMERICORPS' OVERENROLLMENT AND QUESTIONABLE ACCOUNTING RECORDS

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

Mr. STEARNS. Mr. Speaker, just as freedom and liberty are interwoven into the very fabric of our Nation, so too is the American pastime of volunteering. Recently, AmeriCorps' backers have been seeking an additional $100 million in supplemental funding, but I believe we should look carefully at their request.

AmeriCorps was not able to place anywhere from 20,000 to 37,000 employees, volunteers, and this is based upon a statement from them, the Save AmeriCorps Coalition, on September 4, because of its own muddy accounting records and overenrollment. Basically, what they did was overhire 20,000 plus volunteers without authorization.

Of further interest, during the August recess we learned of the distribution of cash bonuses to 265 senior staff at the parent agency, which is the Corporation for National Community Service, CNCS. While the amounts are nominal to their overall budget, what is disturbing is the apparent lack of judgment from CNCS officials. This Congress has been engaged in over a year's worth of hearings and legislation on corporate misbehavior and disproportionate executive compensation in ailing companies. The public expresses outrage over such private sector firm actions and demands that Congress investigate and would probably refer to emergency funding, in the example of such firms as we have been examining, as a bailout. CNCS should be subject to no less scrutiny and adhere to no lower standards.

Some of us question Federal funding of community service in the first place. AmeriCorps pays people to volunteer. Remuneration in exchange for choosing to contribute one's time, energy and/or money would seem to belie the very definition of the word ''volunteerism.''

This country does indeed have many needs. Thankfully, through the work of volunteers, many of those needs are met and fulfilled every day. Americans share their hearts, weekends, muscles and wallets in a multitude of activities.

To this end, a recent exhortation by the Save AmeriCorps Coalition should be mentioned here. This is what they say, ''Our generation is volunteering at unprecedented rates, making vital contributions to communities across the country through AmeriCorps. This opportunity, however, is at risk. Drastic cuts in Federal funding will result in the reduction of critical services for children, the elderly and hundreds of organizations that rely on AmeriCorps volunteers.''

If AmeriCorps is suggesting volunteerism might collapse in the United States, one might forgive our skepticism. Reflect that America has relied on the contribution of volunteers for centuries. AmeriCorps has existed for all but a decade, whereas our Nation's charitable sector thrived since before its creation.

After visiting America for the first time, the French social commentator Alexis de Tocqueville said, ''I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertions of a great many men, and in getting them voluntarily to pursue it.'' He wrote this in his book Democracy in America.

Further, analysis published in October 2003 in the Reason magazine article on AmeriCorps quantifies that according to AmeriCorps' and Bureau of Labor Statistics' numbers on volunteers both as members of AmeriCorps and as Americans on their own, ''AmeriCorps cuts then represent about four-tenths of 1 percent of total American volunteer hours.''

Even those of us who see the benefit in some Federal role in civic service question some of the endeavors in which AmeriCorps volunteers over the years have participated. While some of the activities undertaken by AmeriCorps members may be meritorious, AmeriCorps also has a history of participating in some activities of questionable value.

That these programs may be described as worthy to some, while questionable to others, might be a needless debate at all were not the taxpayers who are being charged in the first place for this volunteer work. For a decade now, members on both sides of our aisle have sought to legislate whether AmeriCorps members could spend time with political activities, campaigns, faith-based initiatives or unions. If the Federal Government were not involved in what should be a personal preference in the first place, we would not have to have these discussions in the first place. Any American, go volunteer where he or she wants, end of message.

Let us celebrate the pure volunteerism that occurs in our communities every day. Let us encourage it to flourish just as it was 200 years ago, selflessly and generously, from the heart.

THE MIDDLE EAST AND THE FAILED PEACE PROCESS

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

Mr. WELDON of Florida. Mr. Speaker, I rise today in this House to address the tragic situation in the Middle East and the failed peace process. It is obvious to all that the continued dispatching of these so-called suicide or homicide bombers into civilian Israeli targets like buses and restaurants is intended to prevent any peaceful resolution of the Palestinian problem.

For any peace process to work, both parties involved must want peace. The Palestinian Authority and Mr. Arafat have demonstrated that they do not want to end and they are unwilling and incapable of preventing this ongoing violence against Israeli civilians.

The repeated call by Mr. Arafat for martyrs by the millions, reiterated by him again last week, should be a stark reminder to us all that we cannot work with him or the beliefs he represents. There can be no real peace when these are the sentiments of this man's heart. Let us not delude ourselves.

Ariel Sharon's primary responsibility, and the primary responsibility of the Israeli government, above and beyond everything else is to maintain the safety and security of its people. While the opinions of European ministers, the U.S. Government and our State Department are important, they are not more important than the lives of women and children.

Now is the time to acknowledge that Oslo has been a terrible failure and the road map is not working. Hundreds of Israelis are dead and buried as a testimony to this fact. Many more are left to face a lifetime of painful disability.

I feel strongly that the Israeli government should be supported in doing whatever it takes to protect its people. If this includes expelling Arafat so be it. If it includes completing the fence, so be it. Whatever is necessary to defend itself and protect its people.

Our State Department was recently quoted as saying that expelling Arafat will not be helpful. I strongly disagree. It may prove to be very helpful. It might end these attacks on Israeli civilians, and what is more, it could be very helpful to the Palestinians themselves.

Since Arafat's return in 1993, the Palestinian economy has shrunk by 70 percent, while at the same time the Israeli economy has doubled. There is widespread corruption and no freedom of speech in the Palestinian-controlled territories. Any Palestinian who openly criticizes Arafat or the Authority's policy is killed. Removing this man and the evil and corrupt regime around him could be the best thing for the peace process.

I know I do not stand alone in these sentiments and that a majority of this House, the Senate and the American

people will support Israel in this. Certainly, the American people expect our leaders to do whatever it takes to protect our people.

Witness what is happening today. In response to the attacks of 9/11, we have waged all-out war, first attacking Afghanistan, then Iraq. Did America rise up and say we need to negotiate with bin Laden and develop a peace process? No.

The American people understand that there is no negotiating with blood-thirsty murderers. The only road to peace and safety is the obliteration of al Qaeda and the regimes that aid it. President Bush said: ''Every Nation has a choice to make. In this conflict there is no neutral ground. If any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers themselves. And they will take that lonely path at their own peril.''

I could not agree with the President more. If this is the standard for America, why should it not be the same for another country? To deny Israel the right to do what it takes to defend itself is to deny Israel the right to exist and to turn our back on an ally and over 50 years of U.S. policy.

We must allow Israel to pursue the same goals for its people that we want for ourselves, the right to live in freedom peace and prosperity. We must stop defending and supporting this brutal, dysfunctional Palestinian Authority and its leader Arafat.

□ 1300

I agree with all those who say we may never end this war on terror until a solution to the Palestinian problem is found. However, negotiating with vicious murderers who seek the destruction of Israel is no solution. It only worsens the problem.

Let us give Ariel Sharon and the Israeli government the freedom to do what is right, to defend and protect their people.

RECESS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

Lord of history, we know You were with the Framers of our Constitution. Be with us here and now.

Be present to Your people across this Nation as they gather for community affairs, business and to pray.

The strength of this Nation has always been shown in its spirit. This free society is always at its best when in the face of diversity or adversity, we show tolerance, understanding, and compassion.

Before You, the task of building strong relationships comes from honest communication rooted in the silence of deep convictions. Trust grows with kind words and consistent behavior.

Mindful of our freedom, let us choose to water the seeds of tolerance, understanding and compassion in ourselves and in our children.

Then we will become the people the Founders envisioned and become a sign of hope for the world.

You, Lord, hold us together in the present moment and forever.

Amen.

THE JOURNAL

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

Mr. CALVERT 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

RICHMOND'S LITTLE CHAMPIONS

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

Mr. DELAY. Mr. Speaker, this afternoon I want to take a moment to recognize the members of the 2003 Lamar Little League all-stars from Richmond, Texas, for their sterling performance in the Little League World Series.

First of all, I want to commend Jim Michalek, the team's dedicated manager for his magnificent leadership.

Mr. Michalek and his coaches, Tim Hollek and Tom Staudt, devoted an enormous amount of time and effort to these young men. They made this team their lives for the summer of 2003, and the team's success is a testament to their dedication.

As for the boys themselves, Brian Foster, Randal Alexander Grichuk, Brandon Hollek, Marcus Martinez, Jimmy Michalek, Robert Psenka, Cody Robinson, Brady Rogers, Eli Sepulveda, Chris Smith, Garrett Austin Staudt, and Wayne Willis, they did Richmond and Fort Bend County proud this year and gave us a series to remember.

After that heroic battle with the kids from Saugus, Massachusetts, it will be a long while before the rest of the Nation forgets what the Richmond all-stars are made of.

I am honored to represent these young men and their families. Their determination and dedication is an inspiration, an example to Texans of all ages.

Over the course of this spring and summer, the Richmond all-stars have refined their characters along with their batting swings. They have learned the virtues of teamwork, virtues that will make them better boys, and one day, better men.

Competing in team sports teaches children the virtues of honesty, perseverance, loyalty, and courage; and doing so in the name of their hometown instills in them a sense of civic pride as well.

More than that, they have helped instill that very pride in all of us, their fans, who watched and cheered their amazing march to Williamsport.

No matter what the scoreboard said at the end of the game, the Richmond, Texas, Little Leaguers of 2003 will always be our champions.

THE NATIONAL DEBT

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

Mr. MICHAUD. Mr. Speaker, it has been 859 days since President Bush and the Republican Party embarked on their economic plan of our country. During that time the national debt has increased by $1,169,750,943,211.93. According to the Web site for the Bureau of Public Debt at the U.S. Treasury yesterday at 4:30 p.m. eastern daylight time the national outstanding debt was $6,810,076,329,570.70.

Furthermore, in fiscal year 2003, interest on our national debt, or the ''debt tax'' is $304,978,878,641.11 through August 31.

VOTE ON JUDGE WILLIAM PRYOR

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

Mr. PITTS. Mr. Speaker, our judicial system is under attack. The weapon of choice? The filibuster.

As cases back up in the Federal courts, some politicians are using the filibuster to prevent a vote on several highly-qualified, well-respected judicial nominees, and one of these nominees is William Pryor, highly-principled and well-qualified nominee for the Federal bench. Opponents to his nomination say that his personal views

will prevent him from being an effective judge, but experience proves otherwise.

His conduct during the Alabama Ten Commandments case has proven that his professionalism enables him to carry out and enforce current constitutional jurisprudence. In fact, it is his opponents who are allowing their personal views to stand in the way of carrying out the constitutional duty of filling Federal judicial vacancies.

It is that intolerance of anyone who disagrees with their political views that has brought our judicial system to a halt, and that is not right.

WORLD TRADE ORGANIZATION

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

Mr. BROWN of Ohio. Mr. Speaker, two days ago developing nations walked out of the World Trade Organization meeting, exposing irreconcilable differences between poorer developing countries and the U.S., the European Union, and Japan. Rather than dealing with the still broken promises of the past, U.S. negotiators wanted to press forward on a privatization agenda, restricting governments' ability to act in the public interest and giving more rights to multinational corporations at the expense of workers all over the world, in this country and abroad and at the expense of the environment.

The world obviously now knows with what U.S. citizens already know. The Republican trade policy does not work, that President Bush's desire to expand NAFTA to the rest of the world is antiworker, antienvironment, and hemorrhages jobs. That is why 10 percent of manufacturing jobs in this country have disappeared since President Bush took office because of these trade policy.

The U.S. cannot continue pushing this antidevelopment, antiworker, antienvironment agenda on the rest of the globe. The failure of the talks in Cancun is a victory for the people of the world, a reality the Bush administration cannot ignore. The Bush NAFTA trade model is broken. We should fix it.

SUPPORT THE MUSEUM AND LIBRARY SERVICES ACT OF 2003

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

Mr. BURNS. Mr. Speaker, I rise today to express my support for America's museums and libraries. Libraries are the fundamental part of our society. In Georgia, 26.5 million patrons visited public libraries in 2002. They visited these libraries to check out materials, to use public access computers, access word processors, or the Internet, perhaps to attend free and fun learning activities with their families.

Later today, we are going to consider the Museum and Library Services Act. This bill will maintain the Congress's support for museums and libraries across our country. Georgia's public libraries need this legislation and the funding to continue to provide the best possible library services to meet the needs of local communities and to continue working toward a more educated Georgia.

I urge my colleagues to support the Museum and Library Services Act later today.

THE HEMORRHAGE OF MANUFACTURING JOBS

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

Ms. KAPTUR. Mr. Speaker, the President appeared in Michigan yesterday but failed to address the hemorrhage of jobs that continues to plague Michigan and Ohio and indeed our entire country, good jobs in the manufacturing sector, which is where our economy has made the most productivity gains; Ohio losing over 180,000 jobs and Michigan 182,000 jobs, manufacturing jobs since he took office.

Our part of the country is really hurting, and all the President can propose is an assistant secretary in the Department of Commerce. What we need, Mr. Speaker, is a trade policy that puts people first, not the profits of multinational corporations first. We need to turn the U.S. Trade Representative's office upside down and clean it out and start striking trade agreements that create jobs and income in America again and do not create enemies for America abroad. NAFTA is not working. China PNTR is not working. And now the Bush administration wants to expand NAFTA to Central America and the rest of the hemisphere calling it CAFTA and FTAA.

Mr. Speaker, we need to export products, not jobs, and we need a trade policy that works for working Americans. I wish President Bush had talked about that in Monroe, Michigan yesterday.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2658, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

There was no objection.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2559, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. KNOLLENBERG, WALSH, ADERHOLT, Mrs. GRANGER, and Messrs. GOODE, VITTER, KINGSTON, CRENSHAW, YOUNG of Florida, EDWARDS, FARR, BOYD, BISHOP of Georgia, DICKS, and OBEY.

There was no objection.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

FREEMONT-MADISON CONVEYANCE ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 520) to authorize the Secretary of the Interior to convey certain facilities to the Freemont-Madison Irrigation District in the State of Idaho.

The Clerk read as follows:

S. 520

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 ''Fremont-Madison Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FACILITIES.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the Fremont-Madison Irrigation District, Idaho, pursuant to the terms of the memorandum of agreement (MOA) between the District and the Secretary (Contract No. 1425–01–MA–10–3310), all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 8.

(b) REPORT.—If the Secretary has not completed any conveyance required under this Act by September 13, 2004, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 4. COSTS.

(a) IN GENERAL.—The Secretary shall require, as a condition of the conveyance under section 3, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as described in Contract No. 1425–01–MA–10–3310.

(b) VALUE OF FACILITIES TO BE TRANSFERRED.—In addition to subsection (a) the Secretary shall also require, as a condition of the conveyance under section 2, that the District pay to the United States the lesser of the net present value of the remaining obligations owed by the District to the United States with respect to the facilities conveyed, or $280,000. Amounts received by the United States under this subsection shall be deposited into the Reclamation Fund.

SEC. 5. TETON EXCHANGE WELLS.

(a) CONTRACTS AND PERMIT.—In conveying the Teton Exchange Wells pursuant to section 3, the Secretary shall also convey to the District—

(1) Idaho Department of Water Resources permit number 22–7022, including drilled wells under the permit, as described in Contract No. 1425–01–MA–10–3310; and

(2) all equipment appurtenant to such wells.

(b) EXTENSION OF WATER SERVICE CONTRACT.—The water service contract between the Secretary and the District (Contract No. 7–07–10–W0179, dated September 16, 1977) is hereby extended and shall continue in full force and effect until all conditions described in this Act are fulfilled.

SEC. 6. ENVIRONMENTAL REVIEW.

Prior to conveyance the Secretary shall complete all environmental reviews and analyses as set forth in the Memorandum of Agreement referenced in section 3(a).

SEC. 7. LIABILITY.

Effective on the date of the conveyance the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code.

SEC. 8. WATER SUPPLY TO DISTRICT LANDS.

The acreage within the District eligible to receive water from the Minidoka Project and the Teton Basin Projects is increased to reflect the number of acres within the District as of the date of enactment of this Act, including lands annexed into the District prior to enactment of this Act as contemplated by the Teton Basin Project. The increase in acreage does not alter deliveries authorized under the District's existing water storage contracts and as allowed by State water law.

SEC. 9. DROUGHT MANAGEMENT PLANNING.

Within 60 days of enactment of this Act, in collaboration with stakeholders in the Henry's Fork watershed, the Secretary shall initiate a drought management planning process to address all water uses, including irrigation and the wild trout fishery, in the Henry's Fork watershed. Within 18 months of enactment of this Act, the Secretary shall submit a report to Congress, which shall include a final drought management plan.

SEC. 10. EFFECT.

(a) IN GENERAL.—Except as provided in this Act, nothing in this Act affects—

(1) the rights of any person; or

(2) any right in existence on the date of enactment of this Act of the Shoshone-Bannock Tribes of the Fort Hall Reservation to water based on a treaty, compact, executive order, agreement, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the ''Winters Doctrine''), or law.

(b) CONVEYANCES.—Any conveyance under this Act shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

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

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

Mr. Speaker, S. 520, authored by Senator CRAPO of Idaho, authorizes the Secretary of the Interior to convey the title of specific Bureau of Reclamation facilities to the Freemont-Madison Irrigation District. The district has operated and maintained these facilities and will have paid all construction costs to the Federal Government prior to conveyance.

As part of this legislation, transfer proponents and several other water interests worked together on drought management provisions to address the needs of all water users in the watershed. This will protect and enhance the Henry's Fork fishery while continuing to provide water to the area's irrigators and other users.

The measure also would require compliance with the National Environmental Policy Act and is consistent with the Bureau of Reclamation policy to transfer title to water districts that have operated and maintained their facilities and paid out their construction costs.

Mr. Speaker, I urge my colleagues to support this consensus-based bill.

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

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

Mr. Speaker, I thank the chairman of the Subcommittee on Water and Power for his extreme help on these three measures.

Mr. Speaker, Senate 520, the Freemont-Madison Conveyance Act, would direct the Secretary of the Interior to convey to the Freemont-Madison Irrigation District all rights, title, and interest to specific Bureau of Reclamation facilities in Idaho. Prior to the title transfer, there will be an environmental review conducted pursuant to the National Environmental Policy Act.

The gentleman from California, my esteemed colleague, has explained the legislation. We support the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 520.

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

A motion to reconsider was laid on the table.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998 AMENDMENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2040) to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The Clerk read as follows:

H.R. 2040

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

SECTION 1. EXTENSION OF CERTAIN IRRIGATION PROJECT CONTRACTS.

Section 2 of the Irrigation Project Contract Extension Act of 1998 (112 Stat. 2816, 114 Stat. 1441, 1441A–70) is amended—

(1) in subsection (a), by striking ''December 31, 2003'' and inserting ''December 31, 2005''; and

(2) in subsection (b)—

(A) in the first sentence, by striking ''beyond December 31, 2003'' and inserting ''beyond December 31, 2005''; and

(B) in the second sentence, by striking ''prior to December 31, 2003'' and inserting ''before December 31, 2005''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2040, introduced by the gentleman from Nebraska (Mr. OSBORNE), extends specific water contracts between the Bureau of Reclamation and water contractors in Nebraska and Wyoming. This legislation responds to continuing work on a multiparty agreement aimed at restoring habitat for endangered species on the Platte River.

While these good-faith efforts take place, the irrigators have asked for repayment certainty until a clear regulatory water-use road map is put in place. This is a good bill, and I urge my colleagues to support this consensus-based bill.

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

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

Mr. Speaker, H.R. 2040 would extend for 2 years the term of 10 water contracts between the Bureau of Reclamation and several irrigation districts in Nebraska and Wyoming. This is the third time Congress has been asked to extend these contracts. This bill would enable the Department of the Interior to complete an environmental impact statement containing information relevant to the renewal of the water contracts. This EIS is expected to recommend an alternative that will allow the irrigation districts to receive water and satisfy the consultation and recovery requirements under the Endangered Species Act.

We support the bill and recommend its adoption.

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

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), the author of this bill, to explain this legislation.

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 2040. As has been mentioned, this extends irrigation contracts between the Bureau of Reclamation and the irrigation contractors in Nebraska and Wyoming.

A proposed cooperative agreement between Nebraska, Colorado, and Wyoming was established in 1997. Parenthetically, I might just mention that this agreement was to provide additional water in a 50-mile stretch of Platte River in Central Nebraska. This water is to provide habitat for the whooping crane, the least tern, the piping plover and the pallid sturgeon, all of which are either endangered or threatened, according to the Endangered Species Act.

However, less than 2 percent of the whooping crane population ever visits the Platte River during their migration. As a matter of fact, many years the whooping crane is not seen at all on the Platte River. The least tern and the piping plover do not seem to nest in this area of the river, and the pallet sturgeon is located 150 miles away in the Missouri River. Therefore, there is considerable confusion as to whether this is really critical habitat.

Therefore, the cooperative agreement, which has been formed to preserve water for critical habitat, is under study. We currently have a National Academy of Sciences study, which you have graciously encouraged and we appreciate that. Until this study is completed, the cooperative agreement really cannot move forward.

Therefore, we are requesting this 2-year extension. Because of the delays in finalizing the cooperative agreement, it is necessary to extend existing irrigation contracts until such time as the cooperative agreement is finalized. So I urge passage of 2040.

Mr. Speaker, I would like to thank the chairman and ranking member for their support and urge passage.

Mr. CALVERT. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2040.

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

A motion to reconsider was laid on the table.

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992 AMENDMENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The Clerk read as follows:

H.R. 1284

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

SECTION 1. INCREASE IN FEDERAL SHARE OF SAN GABRIEL BASIN DEMONSTRATION PROJECT.

Section 1631(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–13) is amended—

(1) by striking ''In the case'' and inserting ''(A) Subject to subparagraph (B), in the case''; and

(2) by adding at the end the following:

''(B) In the case of the San Gabriel Basin demonstration project authorized by section 1614, the Federal share of the cost of such project may not exceed the sum determined by adding—

''(i) the amount that applies to that project under subparagraph (A); and

''(ii) $12,500,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1284, introduced by my colleague and friend, the gentlewoman from California (Mrs. NAPOLITANO), increases the authorized Federal cost ceilings for the San Gabriel Basin demonstration project by $12.5 million. Local project sponsors have expressed a desire to expand the demonstration program, which treats contaminated groundwater and then delivers the effluent to nearby localities to justify the Federal cost ceiling increase.

This bill will help lessen Southern California's dependence on foreign water and project groundwater quality. It is a good bill. I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I once again thank my colleague and friend, the chairman of the subcommittee, the gentleman from California (Chairman CALVERT), on this issue, because this is an important issue for the Southern California area.

I rise today in support of my legislation, H.R. 1284, to increase the spending cap imposed on the San Gabriel Basin demonstration project. I want to thank my colleagues on the other side, the gentleman from California (Chairman DREIER), the gentleman from California (Chairman CALVERT), and the gentleman from California (Chairman POMBO), for their continued assistance to me and other Members who are also working to ensure a clean and reliable water supply for their communities.

May I also thank the gentlewoman from California (Ms. SOLIS), who could not be here to speak to her support on this issue, as two of her cities we are proposing are in her district.

H.R. 1284, if enacted, would simply allow the cities of Industry, El Monte and South El Monte, located and adjacent to my district in Southeast Los Angeles County, to have the ability to request an additional $12.5 million in funding for assistance from the U.S. Bureau of Reclamation for cleanup of volatile organic compounds, otherwise known as DOCs, once they are able to secure their 75 percent matching funds.

Earlier this year, the Subcommittee on Water and Power held a hearing on the bill, and witnesses representing the local municipalities and water agencies from the San Gabriel Valley, home to

approximately 1.7 million residents, clearly established that there is a clear and compelling need to extend the funding for this very successful program.

This is part of the San Gabriel Basin, home to one of the country's largest Superfund sites, spanning 170 square miles. It has been contaminated by a number of substances over the past 5 decades as a result of manufacturing and agriculture activities and other components that we are now finding, such as perchloric, affecting our drinking water supply.

Unfortunately, the funding level for this critical basin program was capped at $38 million in 1996, before these three communities were able to establish their case to Congress. This is all part and parcel of that Superfund site cleanup.

A majority of the unfunded projects to date are in the southern part of the basin, and that includes these three cities of Industry, El Monte, and South El Monte. These projects are conjunctive-use projects and could be funded under the existing Bureau of Reclamation's demonstration project only if the 1996 budget cap is raised.

Mr. Speaker, the gentleman from California (Chairman POMBO), the gentleman from California (Chairman CALVERT), and every California delegation member who serves on the House Committee on Resources understands the need for California to live up to our agreement with the other Colorado River Basin States and ultimately take no more than 4.4 million acre feet of water from the Colorado River per year.

Continuing effective aquifer cleanup activities, which H.R. 1284 allows, combined with water conservation, recycling, desalination, above and underground storage, will allow the State of California to meet the commitment to the 4.4 plan by the year 2016.

I would also like to express my most sincere appreciation to the ranking member, the gentleman from West Virginia (Mr. RAHALL), and the former ranking member of the Committee on Resources, the gentleman from California (Mr. GEORGE MILLER), for their continued support for the Bureau's title 16 water reclamation and recycling projects.

I certainly urge my colleagues to pass this issue. It is an important issue for all of California and the rest of the Nation.

Ms. SOLIS. Mr. Speaker, I rise in support of H.R. 1284, which amends the San Gabriel Reclamation Projects Authorization and Adjustment Act of 1992. This bill will increase the Federal cost share for the San Gabriel Basin groundwater cleanup project.

During the project's onset in 1992, the Federal Government was authorized to pay 2.5 percent of the cost of projects to cleanup local water supplies. In 1996 the funding level for the program was capped at $38 million, funding only a portion of the projects that had been designed. As a result of the cap, projects in the southern portion of the basin were not funded, including the El Monte Operable Unit and the South El Monte Operable Unit in my district. Since the cap was put in place, the Southern Operable Units have been working with EPA to develop groundwater cleanup plans. Now, we need money to make the cleanup happen.

Cleanup literally means the difference between healthy and unhealthy families. This area is contaminated with perchlorate, trichloroethene and other chlorinated solvents known as ''volatile organic compounds'' or VOCs. Each of these contaminants can cause serious health complications. Perchlorate increases chances of cancer and can induce thyroid problems. Trichloroethene has been shown to make people more susceptible to lung and liver tumors. VOCs are harmful to the central nervous system, the kidneys and the liver and can cause a higher risk of cancer, especially leukemia.

The pollution that these communities have sustained has not only impacted their health and environment, but also their economy. Unemployment in the area is as high as 10 percent in some areas. According to the U.S. Census, 26 percent of the residents live in poverty. It has been difficult to attract businesses and jobs to the area. One of the factors preventing those businesses and jobs from coming to the area is the pollution.

When the cap was put in place, these areas lost the chance to access Federal funds to clean up their environment, protect their health and help their economy. Now we have the opportunity to make a difference in this region by helping them accomplish these much-needed goals. I urge adoption of this legislation and yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I rise today in strong support of H.R. 1284, a bill that amends the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the cost of the San Gabriel Basin demonstration project.

The San Gabriel Basin Demonstration Project was originally authorized in 1992 under the U.S. Bureau of Reclamation's Title XVI program. This initiated the Federal-local partnership for this project, which is an integral component in cleaning up the San Gabriel Valley's drinking water supply.

The San Gabriel Demonstration Project is unique among the projects authorized by Title XVI in that it does not focus on water reclamation or reuse. Rather, the project will remove harmful contaminants, including volatile organic compounds, for the San Gabriel Valley Superfund site in order to provide the Valley with a safe supply of drinking water. The project further involves monitoring of water wells, construction of treatment facilities, and development of systems to convey, pump, and store water.

H.R. 1284, championed by my good friend, neighbor, and colleague, Congresswoman GRACE NAPOLITANO, recognizes the critical funding needs for this project's sustainability and success. By increasing the ceiling of this authorization by $12.5 million, the Federal Government's commitment to safe drinking water supply in our region will continue.

I commend Chairman KEN CALVERT and his Subcommittee on Water and Power for moving this bill through the committee process, and urge my colleagues to vote for this measure.

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

Mr. CALVERT. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 1284.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. 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 S. 520, H.R. 2040 and H.R. 1284.

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

There was no objection.

□ 1430

CELEBRATING THE LIFE AND ACHIEVEMENTS OF LAWRENCE EUGENE ''LARRY'' DOBY

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 235) celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby.

The Clerk read as follows:

H. CON. RES. 235

Whereas on December 12, 1923, Larry Doby was born in Camden, South Carolina and moved to Paterson, New Jersey in 1938, where he became a standout 4 sport athlete at Paterson Eastside High School;

Whereas Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy;

Whereas in 1943, Larry Doby was the first African American to play professional basketball for the Paterson Panthers, a member of the American Basketball League;

Whereas after playing baseball in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by Bill Veeck of Major League Baseball's Cleveland Indians, a member of the American League, on July 3, 1947;

Whereas on July 5, 1947, Larry Doby became the first African American to play professional baseball in the American League;

Whereas Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in;

Whereas in 1948, Larry Doby was the first African American to win a World Series and the first African American to hit a home run in the World Series;

Whereas Larry Doby was voted to play in 7 All Star games and led the American League in home runs for two seasons;

Whereas in 1978, Larry Doby became the manager of the Chicago White Sox, only the second African American manager of a Major League team;

Whereas Larry Doby was the Director of Community Relations for the National Basketball Association's New Jersey Nets, where he was deeply involved in a number of inner-city youth programs;

Whereas Larry Doby resided, was active in the community, and raised his family in Montclair, New Jersey;

Whereas Larry Doby received honorary doctorate degrees from Princeton University, Long Island University and Fairfield University; and

Whereas Larry Doby was elected to the National Baseball Hall of Fame in 1998: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representative—

(1) expresses profound sorrow on the death of Lawrence Eugene ''Larry'' Doby, and extends condolences to his family;

(2) expresses its deep appreciation to Larry Doby and his family for the impact that he made in pioneering civil rights by breaking down racial barriers in baseball and in America; and

(3) commends Larry Doby as a courageous leader, a role model, and a paradigm of the American Dream.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 235.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 235, introduced by my distinguished colleague, the gentleman from New Jersey (Mr. PASCRELL), celebrates the life and achievements of Lawrence Eugene ''Larry'' Doby.

Mr. Speaker, I am proud that the House is considering this legislation that honors an American hero we just do not know as much as we should about. We all know the story of Jackie Robinson, who courageously abolished the color barrier in major league baseball by first playing for the Brooklyn Dodgers in 1947. What many may not have learned is that 3 months later, in July of 1947, Larry Doby became the first black player in the American League when he suited up for the Cleveland Indians.

As the first black player in American League history, the pressures and prejudices Doby experienced were heartbreaking. His Hall of Fame Indians teammate, Bob Feller, described Doby as a sensitive man and added, the way many fans and other players treated him was very tough. Doby spoke with Jackie Robinson frequently during his early major league playing days. He recounted to the L.A. Times in 1974 that by talking about the issues he and Robinson faced, that ''Maybe we kept each other from giving up.'' Since Doby was a gentleman, he once said, ''I couldn't react to prejudicial situations from a physical standpoint. My reaction was to hit the ball as far as I could.'' And he did that, channeling that energy to greatness.

Indeed, not only did Doby bravely change minds with his mere presence on the field, he also turned heads with his outstanding play. He won a World Series title with the Cleveland Indians in his first full year in 1948. During the season, he hit an average 301 with 16 home runs, and he led the club with a .318 average during the 1948 World Series. He finished his historic career with 253 home runs and 970 runs batted in. In 1998, Larry Doby was deservedly inducted into the baseball Hall of Fame.

Mr. Speaker, America sadly lost Larry Doby in June at the age of 79. On behalf of this entire House, I offer my sincere condolences of all Members to the friends and the family of Larry Doby.

America has long had a deep obsession with sports, and there is little doubt that the common goals of athletics have had a profound impact on race relations in this country.

In 1947, Larry Doby inducted himself to the all-white baseball world as a courageous man with an awe-inspiring lefthanded swing. His bravery unquestionably opened the door of opportunity to many players from so many backgrounds, all the way to this present day. But beyond the baseball field, Larry Doby helped to prove that a person's skin color has nothing to do with his or her abilities at a time when America needed to learn that lesson.

For all these reasons, Mr. Speaker, I hope this resolution is seen as a fitting tribute to a man that all of us still owe a debt of gratitude. I urge all Members to support the adoption of House Concurrent Resolution 235, and I congratulate the gentleman from New Jersey for his work on this measure.

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

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

Mr. Speaker, I am pleased to join with the gentlewoman from Tennessee in consideration of H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby.

Mr. Speaker, Larry Doby, who broke the color barrier in the American League in 1947, 3 months after Jackie Robinson became the first black in modern major league baseball, died on Wednesday, June 18 in Montclair, New Jersey. He was 79 years old.

Born on December 13, 1923 in Camden, South Carolina, Larry Doby was also the first player to jump straight from the Negro leagues to the majors. He was signed by the Cleveland Indians owner Bill Veeck. He later integrated Japanese baseball in 1962 and went on to become the sport's second black manager and one of its first black executives.

However, it was in his role as the second black player in baseball that Larry Doby had his most significant impact on professional athletics. Larry Doby was an all-State athlete in football, basketball, and baseball in high school. He then continued his athletic career at Long Island University. When Bill Veeck, who was determined to integrate his team, sought to sign a black player, Larry Doby was his obvious choice. He had led the Negro National League with a batting average of .458 and 13 home runs.

Like Jackie Robinson, Doby faced extraordinary pressures that first season, including open hostility from teammates and opposing players. Larry Doby and Jackie Robinson formed a close relationship through their lifetimes. Doby's debut opened the way for three more blacks to enter the majors within a month, and made it clear that baseball was on a permanent course toward integration. His presence as a player for the Indians also contributed to the more general cause of civil rights for blacks when Washington's exclusive Hotel Statler, formerly whites-only, permitted Larry Doby to room with his team.

In 1948, he batted an impressive .301 with 14 home runs and 65 runs batted in. He led the Indians to a victory over the Boston Braves in the World Series, becoming the first black to play on a World Series championship team. He later led the American League in home runs in 1952 and again in 1954. When he retired after 13 seasons with the Indians, White Sox, and Detroit Tigers, he had a formidable career batting average of .285 and 253 lifetime home runs. For his achievements, he was elected to baseball's Hall of Fame in 1998.

Doby became the Indian's manager in 1978 and later became a special assistant to Dr. Gene Budig, the President of the American League. Throughout the 1960s and 1970s, when blacks were welcome on the baseball field and in the stands but not in the front office, Larry Doby continued to push for expanded opportunities for people of color.

Lawrence Eugene Doby was a great American and his life and achievements make him worthy of this recognition today. I would like to commend the sponsor of this resolution, the gentleman from New Jersey (Mr. PASCRELL), and I urge swift passage.

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

Mrs. BLACKBURN. Mr. Speaker, at this point I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to thank the gentleman from Illinois. I want to thank also the gentlewoman from Tennessee. Both of my colleagues I think struck appropriate words about a great American, a great American.

This resolution, this concurrent resolution honors the life and achievements of Lawrence Eugene ''Larry'' Doby. He left this Earth just a few months ago. His wife died a few years ago. They were inseparable individuals. I know one can read about the history of Larry Doby and one can hear about it and see it in film, but there is something that is spoken today that one will not find in those documentations.

Mr. Speaker, in our commercial world of endorsements, free agents, $6.50 a beer at a ball game, and Astroturf, I want to pause today to praise the great stature of a man who played baseball when baseball was baseball. He was more than a civil rights leader. He was more than a Hall of Fame baseball player. He was a Hall of Fame human being. To him, to Larry Doby, community was critical. No man was living on an island.

I am so proud to be a resident, a lifelong resident of Paterson, New Jersey, and I always say one ''T'', because that is where Larry made his fame, at East Side High School. He was a star in four sports, and he achieved. He attended Long Island University, went into the Navy, served this country, served this country, and came out and played minor league baseball for a while on teams where you had to be all one color.

So he made the movement and was asked to come aboard the Cleveland Indians, just after Jackie Robinson, 3 months prior, became a part of the Brooklyn Dodgers. And many fans never saw him play because obviously there was not inter-league play at that particular time. And we know what happened with Jackie Robinson when he went to the Brooklyn Dodgers: They even changed the camp where they trained, got it away from people so there would be no problems. And we know that Larry Doby, when he came into the American League, some of his own teammates isolated him, ignored him.

He was grateful to the owner of the Cleveland Indians, Bill Veeck. Mr. Speaker, there always has to be somebody who is willing to make the change. There always has to be somebody that runs point and who is willing to say, this is the right thing. This is the thing we need to do. We should have done it a long time ago. It should not have had to be done. This should be a natural process of growing up in the greatest of all democracies.

□ 1445

It was not. So this young man who came out of Camden, South Carolina, came to Paterson with his family when he was 15 years of age, found himself at the center of a tremendous amount of attention, and he deserved it. But to the end he remained modest, and he was a gracious, true gentleman, unlike some of the bravado that we hear in sports today when we hold up Nike sneakers. This is a man of a different age but a man for all ages. Beyond the record that he broke, beyond the sports world, Larry Doby was a good person, beautiful family, a great career. Responsive to the community he lived in, Paterson and then Montclair, New Jersey, where he passed. And Helen who passed 2 years ago, every time you saw Larry Doby you saw everyone. Every time you saw Helen, you saw Larry Doby. Our thoughts are with Larry's surviving children, Larry, Jr., Leslie Feggan, Kimberly Martin, Susan Robinson, and Christina Fearington. And I had the privilege, as many of us did back in 1998 on this floor to have a post office, the main post office in our county, named after Larry Doby.

Just a few months before he passed from this Earth we all stood at Eastside Park and commemorated, and it was like a 15-year old young man who had just come to Paterson, we commemorated a baseball field with the stands and everything, Larry Doby Field. And Larry insisted that we would lock the field when it was not being used because he wanted it to remain a baseball field, and it has. People go there with respect. A great statue, a great statue right in front of this great ballpark.

I want to thank the Speaker. I want to thank the ranking member. I want to thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mr. Speaker, I appreciate so much the remarks that have been made about Larry Doby and his career. We recognize the importance of Larry Doby. As the gentleman from New Jersey (Mr. PASCRELL) was saying, Jackie Robinson and Shoeless Joe Jackson, and we talk about the importance of having heroes, and these were men who were heroes, and how important that we honor Larry Doby. So I commend my colleague from New Jersey (Mr. PASCRELL) for introducing the resolution.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), where Larry Doby played much of his ball.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Tennessee (Mrs. BLACKBURN), and I thank particularly the gentleman from New Jersey (Mr. PASCRELL) for his sponsorship on this piece of legislation.

I stand also to honor Larry Doby. I saw Larry Doby after his career in Cleveland for the White Sox had finished. My dad took me as a 6-year-old kid to see Larry Doby, and I saw him play then and met him later for a moment when he threw out the first pitch of the House baseball game.

Larry Doby in some sense was as courageous or even more courageous than Jackie Robinson. I asked a group of people as I was walking through an office earlier today what they knew about Larry Doby. These people were in their twenties and thirties. They knew almost nothing of him. Several people had heard of him. They knew he was a baseball player. They knew very little else.

Larry Doby was the second African American player to play major league baseball, the first in the American League. As I said, in some sense he was as courageous, maybe even more courageous than Jackie Robinson. In his words, and he said with certainly no bitterness but just as an observation, Larry Doby said, The only difference between us, Jackie Robinson and himself, was that Jackie Robinson got all the publicity. You did not hear much about what I was going through because the media did not want to repeat the same story, the same story they had written not long before.

He said, ''I could not react to prejudicial situations from a physical standpoint. My reaction was to hit the ball as far as I could.''

He had the same kinds of anger and bitterness and racist catcalls and violent behavior all aimed at him as Jackie Robinson did, and he was every bit the hero that Jackie Robinson was.

As the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Illinois (Mr. DAVIS) pointed out, he also changed not just baseball history, but he helped as a pioneer in pulling this country together, a pioneer in beginning to start to erase the racial prejudice in this country. He did it in a variety of ways. He did it as a baseball player in the way he played. He also did it with the strength in which he played. He also did it as a manager, and also in his professional and personal life back in Paterson. But he also did it in a way that is interesting.

In the spring of 1947, Bill Veeck, the Indians' general manger, understanding that Larry Doby was going to be playing, moved spring training camp to Arizona, away from the South, understanding that it would make things a little bit more even tempered, if you will, for Larry Doby to deal with.

So then the Brooklyn Dodgers moved their training camp from Florida to Havana, Cuba, again to deal with some of those problems, and the New York Giants moved their training camp from Florida to Arizona, and that is the advent of spring training being held in different areas around the country.

He was a pioneer. He changed not just the baseball world, he changed society. All of us should be proud of what Larry Doby did.

In my City of Cleveland where he played his best, most important baseball, he played in two World Series, made a difference in the last time the Indians won the World Series in 1949, but more importantly, what he did later with his life in Paterson, New Jersey, throughout the baseball world, and what he contributed to this country.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to thank everybody who

participated in this debate. Larry Doby was indeed a great athlete but an even greater American.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to honor Larry Doby, the first African American to play professional baseball in the American League. It is important that Congress acknowledge and appreciate the accomplishments of someone who has broken the color barrier and added diversity to an otherwise segregated sport.

Larry Doby was an extraordinary individual and a sports legend that broke through barriers by becoming the second African American to play professional baseball, but the first in the American League.

We are all well aware of Jackie Robinson, the first African American to play professional baseball. He is a hero that we teach our children about. His efforts for integration and the struggle for racial equality provide lessons that we strive never to forget. Similarly, Larry Doby endured a struggle that was no less heroic or difficult. He too should remain in our memory and his story told to our children.

Born in Camden, S.C., Larry Doby lost his father when he was just 8 years old. His family moved to Paterson, New Jersey, when he was in his teens. Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy.

In 1947, Larry Doby began his illustrious career with the Cleveland Indians. Teammates recalled Mr. Doby as a man of quiet dignity who never said an unkind word, even about those hostile to his joining the Indians.

Larry Doby played in the American League for 13 years. He appeared in 1,533 games and batting .283, with 253 home runs and 969 runs batted in. He was the first African American to win a World Series and the first African American to hit a home run in the World Series. In 1998, Larry Doby was elected to the National Baseball Hall of Fame.

Apart from baseball, Larry Doby showed his integrity by being deeply committed to his community. He deserves recognition not only for his contribution to America's pastime, but also for his courageous leadership and the inspiration he gave to millions of Americans as he fought racism and served as an example of the American Dream.

In expression of his commitment, Larry served as the Director of Community Relations for the NBA's New Jersey Nets. The position gave Mr. Doby the opportunity to use his character and stature to influence youth in many of New Jersey's inner cities.

Sadly, Larry Doby died on June 18, 2003 in Montclair, N.J. Let us come together and express profound sorrow over the death of Larry Doby. On behalf of the 18th congressional district of Texas, I extend my condolences to his family and express my deep appreciation for the impact Larry Doby made in the fight for racial equality. For that reason, Mr. Speaker, I support H. Con. Res. 235 to celebrate the life and achievements of Larry Doby.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 18, 1963

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) remembering and honoring the march on Washington of August 28, 1963.

The Clerk read as follows:

H. RES. 352

Whereas the first call for a march on Washington was initiated in 1941 by A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, in response to the blatant discrimination that had become a constant hardship in the lives of African-American workers;

Whereas in the spring and summer of 1963, more than 20,000 United States citizens were arrested and detained while nonviolently protesting the racial injustice that was widespread throughout the southern United States at that time;

Whereas Randolph told President Kennedy that the African-American population was going to march peacefully on Washington to demand their full and equal constitutional rights in the face of severe civil rights violations and harsh economic inequality;

Whereas in June of 1963 the ''Big Six'' civil rights leaders—Martin Luther King, Jr., James Farmer, John Lewis, Whitney Young, Roy Wilkins, and A. Philip Randolph—convened to plan a mass protest that would begin at the Washington Monument and end in front of the Lincoln Memorial;

Whereas the march was initially termed the ''March on Washington for Jobs and Freedom'', and aimed to advance support for a new Federal jobs program and a higher minimum wage;

Whereas the Big Six expanded the focus of the march to include civil rights injustices due to the disturbing events that had occurred in the months prior to the march, such as police dogs attacking peaceful demonstrators in Birmingham, the assassination of Medgar Evers in Jackson, and the lack of congressional support for President Kennedy's civil rights bill;

Whereas Government officials were concerned about the outbreak of violence, but many civil rights organizations held orientation meetings before the march that taught and stressed the intrinsic non-violent principles of the movement;

Whereas on August 28, 1963, people from throughout the country arrived in Washington by plane, bus, train, and foot to express the urgent need for forceful and immediate action on the issue of civil rights;

Whereas demonstrators pledged their commitment and continued participation in the struggle for civil rights;

Whereas March leaders met with President Kennedy and Members of Congress to discuss the importance and consequential impact of the pending civil rights bill that aimed to end discrimination of African-Americans in the work place, voting booth, educational facilities, and all other public domains;

Whereas the demonstrators peacefully marched through the streets of the capital and, at the Lincoln Memorial, heard empowering and inspiring words from the Big Six leaders, as well as Walter Reuther, Rev. Eugene Blake Carson, Rabbi Joachim Prinz, Matthem Ahmann, and Floyd McKissick;

Whereas police officers had their days of leave cancelled, suburban forces were given special control training, and 15,000 paratroopers were put on alert, but no Marchers were arrested or jailed and the march dispersed without incident;

Whereas the March was one of the first events to be televised worldwide, and thus brought international attention to the social and economic plight of African-Americans;

Whereas 15 Senators and 60 Representatives attended the rally at the Lincoln Memorial and witnessed the commitment of the demonstrators to the struggle for domestic and universal human rights;

Whereas the March sparked the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the public display of humanity exhibited by the March educated the public and helped to correct some of their misconceptions, and demonstrated the possibility that an entire country could be changed through non-violent protest; and

Whereas the 1963 March on Washington was the largest political demonstration in United States history and proved to the nation that prejudice and discrimination against African-Americans and other minorities could be successfully fought by a collective force committed to the principles of non-violence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 1963 March on Washington as one of the largest political demonstrations in United States history;

(2) recognizes the monumental importance of the 1963 March on Washington in the ongoing struggle for civil rights and equal rights for all Americans; and

(3) extends its gratitude to the organizers and participants of the 1963 March on Washington for their dedication and commitment to equality and justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 352, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, House Resolution 352 introduced by my distinguished colleague, the gentleman from the State of Georgia (Mr. BISHOP), remembers and honors the march on Washington of August 28, 1963.

Mr. Speaker, 40 years ago this summer almost a quarter of a million people gathered here in Washington, D.C. to take a stand for freedom and for equality.

They came to our Nation's capital to tell America that civil rights could no longer be exclusive rights denied to millions of Americans based on nothing more than the color of their skin.

Known as the March on Washington for Jobs and Freedom, the event was

originally planned to focus on economic concerns at a time when more than 1½ million black Americans were searching for work. The march expanded, becoming a massive rally in support of civil rights legislation that had been recently introduced by President Kennedy.

On the morning of August 28, 1963, supporters arrived at the Washington Monument. At about noon the marchers advanced as an incredible mass to the Lincoln Memorial, a memorial that honors the President who gave his presidency and his life in the name of liberty for all people.

At the memorial the marchers heard speeches from the most influential leader of the civil rights movement, including the NAACP's Roy Wilkins; Whitney Young of the Urban League; my colleague, the gentleman from Georgia (Mr. LEWIS), then of the Student Non-violent Coordinating Committee; and it was here that the Reverend Dr. Martin Luther King, Jr., delivered a speech that has changed America, a speech that captured the idea that is America, asking why our country was failing to keep its promise to treat all men as equals.

The ''I Have A Dream'' speech, delivered at the Lincoln Memorial is passionate, it is reasoned, and it has made a difference.

Mr. Speaker, the march on Washington was the largest political demonstration in our Nation's history at the time. It was an awesome display by thousands of people who loved and craved freedom, and above all else, people who deserved freedom. The three major television networks aired the speeches at the memorial and the event captivated the world. Forty years later, it is appropriate that this House take time to remember what a powerful day that late summer afternoon in August 1963 was for Americans who wanted to end racism.

Mr. Speaker, I commend the gentleman from Georgia (Mr. BISHOP) for introducing such a worthwhile measure that remembers the march on Washington in 1963. I urge all Members to support its adoption.

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

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

Mr. Speaker, the march on Washington, August 28, 1963 marks a cornerstone in American history and especially in African American history. It was a movement towards civil rights whose purpose was to embrace freedom and justice for all.

The civil rights movement has had a long and difficult journey from slavery to today. Part of this journey in history towards equal justice is highlighted with Abraham Lincoln, our 16th President of the United States. On January 1, 1863, he signed the Emancipation Proclamation document that declared many slaves to be free, but it did not end slavery. It took the 13th amendment to the United States Constitution to end slavery on December 18, 1865. It took the 14th amendment to establish Negroes as citizens of the United States on July 9, 1868, and the 15th amendment to allow blacks to vote in this country on February 3, 1870.

Our citizenship and privileges were always questioned and in most situations denied until the march on Washington led to passage of the Civil Rights Act of 1964. This was 39 years ago that Jim Crow laws were subjugating and denying blacks the right to vote in certain southern States, the imposition of poll taxes, segregation of schools, housing, bus and train transportation, restrooms and other public accommodations.

The march on Washington of 1963 was originally initiated by A. Philip Randolph, who was an activist and founder of the Brotherhood of Sleeping Car Porters. He, 22 years earlier, had planned a march on Washington in 1941 with the purpose to focus the attention of the American public and the world that African Americans needed more jobs and equal protection under the law.

This march was extremely close to occurring until just before the day of it. Mr. Randolph met with President Franklin Delano Roosevelt and he agreed to issue an executive order declaring that ''there shall be no discrimination in employment of the race, creed color or national origin.''

Executive Order 8802 represented the United States Government's most stringent civil rights action since the post-Civil War Reconstruction era.

In return for this agreement with President Roosevelt, Mr. Randolph called off the protest march.

Mr. Randolph and his colleague, Bayard Rustin, met with labor and civil rights leaders to plan the march on Washington that included nine demands. I think it is important that we remember those.

One, passage of a meaningful civil rights legislation at this session of Congress with no filibustering.

Two, immediate elimination of all racial segregation in public schools throughout the Nation.

Three, a big program of public works to provide jobs for all the Nation's unemployed, including job training and a placement program.

Four, a Federal law prohibiting racial discrimination in hiring workmen, either public or private.

Five, $2 an hour minimum wage across the board Nationwide.

Six, withholding of Federal funds from programs in which discrimination exists.

Seven, enforcements of the 14th amendment, reducing congressional representation of States where citizens are disenfranchised.

Eight, a broadened Fair Labor Standards Act to include currently excluded employment areas.

Nine, authority for the Attorney General to substitute injunctive suits when any constitutional right is violated.

□ 1500

Mr. Speaker I urge all of my colleagues to support this resolution.

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

Mrs. BLACKBURN. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. BISHOP), the sponsor of this resolution.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman very much for yielding the time.

I rise today in support of H. Res. 352, a resolution remembering and honoring the march on Washington of August 28, 1963. Let me first thank the Members of Congress on both sides of the aisle who have worked together in the best spirit of bipartisanship in order to bring this important resolution to the floor of the House in short order: the gentleman from Virginia (Mr. TOM DAVIS), chairman; and the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the gentleman from Missouri (Mr. BLUNT), the majority whip; the gentleman from Maryland (Mr. HOYER), the Democratic whip; the gentlewoman from California (Ms. PELOSI), Democratic leader; and the gentleman from Illinois (Speaker HASTERT).

I would also like to recognize from our staffs Howard Moon, Jerry Hart, Kyle Nevins, Seth Webb, Rob Cogorno, Tania Shand, Keith Ausbrook and Phil Barnett for their attention to this important resolution in working together to move it through committee and to the floor expeditiously.

Mr. Speaker, in the spring and the summer of 1963, 100 years after the signing of the Emancipation Proclamation, the ''big six'' civil rights leaders, Dr. Martin Luther King, Jr., James Farmer, Whitney Young, Roy Wilkins, A. Philip Randolph and our esteemed colleague, the gentleman from Georgia (Mr. LEWIS), now a Member of Congress, convened to plan a peaceful mass protest against the racial and civil rights injustices that were widespread at that time. This historic event, the largest U.S. demonstration ever assembled to that point, featured Dr. King's famous and historic ''I Have a Dream'' speech, which challenged Americans to answer the call of the United States Constitution: I have a dream that one day this Nation will rise up and live out the true meaning of its creed: that all men are created equal. These words helped to spark and fuel the movement that transformed the state of race relations and civil rights in America forever.

How did it all begin? In response to the blatant discrimination that had become a constant hardship in the lives of African American workers, A. Philip Randolph, president of the Brotherhood

of Sleeping Car Porters, was the first to call for a march on Washington back in 1941. Twenty-plus years later, the event was planned in direct response to the tragic events of the spring and summer of 1963 in which more than 20,000 U.S. citizens were arrested and detained while nonviolently protesting notable injustices, including police dogs attacking peaceful demonstrators in Birmingham, the tragic assassinations of civil rights activists, the lack of congressional support for President Kennedy's civil rights bill that aimed to end discrimination against African Americans in the workplace, voting booths and schools and all other public domains.

As a direct result of the march, Dr. King's historic speech and the movement, they spawned the Civil Rights Act of 1964 and the Voting Rights Act of 1965 came to fruition, effectively ending segregation and ensuring voting rights for all Americans.

Title VII of the Civil Rights Act outlawing discrimination in employment, housing, public accommodations, interstate commerce, all of these were expanded later as a result of the march to include protections for women against discrimination and for the disabled.

So we come together today, 40 years later, to celebrate freedom, to celebrate justice, to celebrate equality for all Americans for which this historic march was indeed a catalyst. Some call it an accident. Others call it fate. Some call it the human hand, some the hand of God. Which it is I will not argue, but something strange, something inexplicable, something mysterious, something almost miraculous happened on that day when Dr. King was able to stand before thousands and thousands and to articulate the aims and the aspirations of the masses, not just in these United States, but all across the world in their quest for freedom. Something happened and today we are grateful because we all are the beneficiaries of what happened that fateful day.

Yes, some call it an accident. Others fate, some the hand of God, others the hand of man. Which it is I will not argue, but I will say that on this day, this Congress, in the form of this resolution, has an opportunity to say thank you, thank you to Dr. King, thank you to James Farmer, to Whitney Young, to Roy Wilkins, to A. Philip Randolph, and to our good friend and colleague, the gentleman from Georgia (Mr. LEWIS) and all who participated in this monumental and historic event for blazing a trail of freedom and equal rights under the law that lives on today and hopefully will live on even better tomorrow.

In the words of Dr. Martin Luther King, Jr., ''Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our Nation from the quicksands of racial injustice to the solid rock of brotherhood.''

Thank God, Mr. Speaker, for that call to conscience, to morality and to action for America and the world that we benefit from today. I urge my colleagues to stand with me in support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield 4 minutes to the gentleman from Georgia (Mr. LEWIS) who has been referred to as one of the ''big six'' in 1963, but he is even bigger in 2003.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague the gentleman from Illinois (Mr. DAVIS) for yielding the time.

I also, Mr. Speaker, want to thank my good friend and colleague from the State of Georgia (Mr. BISHOP) for bringing this resolution to the floor. I think it is so fitting and appropriate to pause and take note of the march on Washington 40 years later.

250,000 Americans gathered on the Mall and listened to Martin Luther King, Jr. say, I have a dream, a dream today that is deeply rooted in the American dream. This speech, this march, created the climate to make our Nation a better place. We have come a great distance since that time.

Forty years ago, in much of the American South, racial segregation was alive and well. Blacks could not attend the same schools as whites. We could not eat at the same restaurants. We could see the signs that divide our Nation: White men, Colored men. White women, Colored women. White waiting, Colored waiting.

In the spring and summer of 1963, as the gentleman from Georgia (Mr. BISHOP) said, people were being beaten, jailed and even killed for participating in nonviolent protest. Millions of Americans could not register to vote because of the color of their skin. In Birmingham, Alabama, the commissioner of police, Eugene Bull Connor, used attacks dogs and fire hoses on peaceful, nonviolent protestors. In the State of Mississippi, NAACP leader Medgar Evers was assassinated.

We had come to Washington to say to the President and Members of Congress that America must change. We had to do something to dramatize the sense of urgency. Mr. Speaker, I can never, and I will never, forget that day as I stood and looked out on the Mall and saw a sea of humanity. It was a feeling that America was going to change and change forever.

Back in 1963 we did not have a fax machine, a Web site, a cellular telephone. We did not even have a computer. We stood on the Constitution, on the Bill of Rights. We used our feet, and we put our bodies on the line. We live in a different country, in a much better country because of the march on Washington.

I say today, 40 years later, we must recall the passion and spirit of that march. We must recapture the spirit as a Nation and a people. We must make this spirit part of our thoughts, our action and our lives. If we do this, we can make Dr. Martin Luther King, Jr.'s dream come true. We can build what we call the Beloved Community, a true interracial community, a community at peace with itself.

All of us, 40 years later, black and white, Hispanic, Asian and Native American, must pull together for the common good. This was our mission then. This is our mission, and this is our calling now.

If we reach the Beloved Community, where we are one Nation, one people, one house and one family, we would come to the end of a march that our Nation started some 40 years ago.

In closing, Mr. Speaker, there was so much hope, there was so much optimism when we left Washington 40 years ago, but 18 days after the march on Washington some of that hope, some of that optimism was shattered. Forty years ago yesterday, September 15, 1963, was a terrible bombing of a church in Birmingham where four little girls were killed while attending Sunday school on Sunday morning.

We did not give up. We did not give in. We did not give out. We did not become bitter. We did not get lost in a sea of despair. We kept fighting, we kept pushing, and we kept pulling to make our democracy better, to open up our democracy and let all of our people come in.

I thank the gentleman for yielding time to me.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), another person who was at that march and has been marching since.

Ms. NORTON. Mr. Speaker, I very much appreciate the leadership of the gentleman from Illinois and his counterpart on the other side of the aisle for her leadership in bringing forward this important resolution.

I want to recognize the leadership of two gentlemen from Georgia, of the gentleman from Georgia (Mr. BISHOP) who is the sponsor of this resolution for stepping forward with a resolution that belongs on the floor, and, of course, the gentleman from Georgia (Mr. LEWIS) who has just spoken, who led a commemoration in Statuary Hall for the 40th anniversary of the march before recess, and who is the last remaining living leader of the civil rights march on Washington. He led us, who were then members of the Student Nonviolent Coordinating Committee, as a very young, the younger leader then, and he continues in that role as one of America's preeminent civil rights leaders today.

I do not think this is an occasion for doing what people around the country have been doing all through August, were you there. Of course, we were there, and people really think about being there in a way they ask where were you when John F. Kennedy was killed. They remember where they were then or where were you on September 11. The march on Washington is like that for millions of Americans, where were you, and people like to say

I was there, and of course, people are very proud of having been there because it was the first civil rights march for equality in the history of the United States here in Washington.

I was there as a law student, a staff member of the march on Washington. Frankly, this is not a time for nostalgia. I think that grand occasions like this, when we commemorate a change-making event like a march on Washington, are occasions for taking stock, the distance traveled, the distance to go.

Nothing could have been more moving than the events around the 40th anniversary, our own commemoration, here in the House, the moment the gentleman from Georgia (Mr. LEWIS) will remember when he and Mrs. King and I unveiled that stone marker and saw for the first time the marker where Martin Luther King spoke before, now on the Lincoln Memorial. Three of Reverend King's four children were there, the very four children he spoke of in that speech on August 28, 1963.

This is an occasion, if one is a Member of the House of Representatives, for looking at how the world has changed since then and how the civil rights movement has changed our world. When the march was held, essentially African Americans had carried one demand, one single demand for the more than hundred years since the civil war. It was not a plethora of issues we had before us. It was one demand: Enact into law, country of mine, equality unto law. That is all.

After that march, that happened, the 1964 Civil Rights Act. Little did I know then that I would come to enforce a section of that Act, Title VII, as Chair of the Equal Employment Opportunity Commission 15 years later. The 1965 Voting Rights Act, perhaps the most important because it empowered African Americans to do what they had to do for themselves; and the 1968 Fair Housing Act.

Actually, much of the legislative agenda of black America has been accomplished if we think about actual laws that need to be written to say thou shalt not discriminate. We will have a hard time thinking about it. Most of our time will be spent on enforcement.

There is one I hope this House thinks about and that is a law that should be attached to the Transportation Bill outlawing racial profiling.

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Mr. Speaker, that is the single example of overt discrimination left unattended in our laws. But while we had one challenge and I can tell Members that staff had no problem coming up with that idea at the March on Washington, today if I would ask what is the one demand of the civil rights movement, Members would say wait one moment, and then go down a whole list of demands because we can now come forward with those demands: economic parity; educational opportunities; the criminal justice system where a whole generation of young black men are being locked up for minor drug offenses, killing the black family in our community; health care.

We can move on to these challenges. We have 38 African American Members, and we can move on to these challenges because the civil rights movement moved us on, the overriding challenge of equality under law. There is much to be done even to that reality, equality under law; but the resolution we honor today, the 40th anniversary of the March on Washington, should send us first into reflection about moving toward the completion of the job of laying aside our racial past and moving on into a period of full equality.

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

Mr. Speaker, I know that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from New York (Mr. OWENS), the gentlewoman from California (Ms. LEE), the gentleman from South Carolina (Mr. CLYBURN), and the gentlewoman from Texas (Ms. JACKSON-LEE) had all intended to be here to make comments on this resolution. Unfortunately, they were not able to make it, but I wanted to make sure that their hopes and aspirations were entered into the RECORD.

Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for an opportunity to work with her as we brought this resolution to the floor. As has been indicated, September of this year, as we look back 40 years ago to August on that great day, none of us who are around will ever forget that march. None of us who were alive can forget the vibrancy that there was in the air, the hopes, the dreams, the aspirations. It is a day to long remember as we continue to march, not one day but to continue to march until freedom, justice, and equality exist for all in this great Nation.

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

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

Again, I congratulate the gentleman from Georgia for introducing this meaningful legislation, and I urge all Members to join us in adoption of House Resolution 352.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 352, a resolution honoring the March on Washington of August 28, 1963, a turning point in the long road to justice and equality. In the struggle for civil rights, the March will forever hold a place in American history, and in the eyes of the world, as a day that showed that individuals united can affect change and progress without violence.

On that hot August day forty years ago, thousands of people converged on our nation's capital to stand up for civil rights, workers' rights, voting rights, equality in education, and fair pay. They marched for equality with a unified message that they as African-Americans would no longer wait patiently for civil rights to be delivered and practiced in society, but that they were demanding that the federal government take bold steps to ensure that the Constitution's promise was delivered to all Americans; that they would no longer be second-class citizens.

The words of Dr. Martin Luther King Jr. continue to resonate today and to serve as an inspiration for his generation and future generations to create a society in which all are treated equally because we are all created equal. I want to especially commend the work of Congressman JOHN LEWIS, my friend and colleague, who spoke on that day and who continues to inspire others and to fight for justice everyday.

The resolve of the speakers, the sheer number of marchers, the strong commitment to nonviolence, and the intensity of the sentiment on that day created an energy that spread throughout the country in the coming months and years. It allowed all Americans to see the struggle for civil rights articulated in a manner that was uninterrupted by violence and chaos and was highlighted by peace and unity and strength.

The March gave life to a Movement that continues to manifest itself today. While the March was successful in helping to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the fight for justice and equality is far from over. Today we are fighting to hold on to our civil liberties as the Bush administration works to chip away at our right to privacy, free speech, and freedom of religion. Immigrants, the people who bring diversity and strength to our nation, must fight to live free from harassment as the administration advocates unfair and discriminatory policies against them. People of color continue to fight for the opportunity to get a good education and to be treated fairly by the criminal justice system while President Bush opposes affirmative action. Low-income working families fight for fair treatment under the tax code as Republican Congressional leaders continue to deny them the child tax credit. And many, including elderly adults, persons with disabilities, and people of color, continue to fight for the right to have their vote count while our nation's election system has yet to catch up and meet the needs of all of America's voters.

Today, we remember the people who were at the March on Washington forty years ago—their perservance, their commitment to justice and nonviolence, their courage, their hope, and their success. But we must do more than just remember; we must use their example to continue the struggle today until Dr. King's dream of equality truly comes to life for all who live in the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as Martin Luther King, III said, on the 40th Anniversary of the historic march, of the objectives of his great father, the late Reverend Dr. Martin Luther King, Jr. to eradicate poverty, racism, militarism, and violence, although we have, with Dr. King's leadership, made enormous strides, these issues are ''still very much in our midst.'' People of African-American, Latino, Asian, European, and all races enjoy benefits of the struggle endured by the Civil Rights heroes who marched in Washington, DC on August 28, 1963. The blood, sweat, and tears shed by them have given us the ability to get even closer to ''the Promised Land'' spoken of by the great Reverend Doctor. The ''I Have a Dream'' speech of that

man, along with those of A. Philip Randolph of the Brotherhood of Sleeping Car Porters, Roy Wilkins of the NAACP, Whitney Young of the National Urban League, James Farmer of the Congress of Racial Equality (CORE), and Congressman John Lewis then of the Student Nonviolent Coordinating Committee (SNCC) still resonate in my mind and the minds of a multitude of people who share ''the Dream.'' We celebrated and commemorated that historic march by ''re-living the day'' both in Washington and in Houston, Texas; however, it was far from the celebration of a victory having been won. We still have an uphill battle to fight with respect to racism, bigotry, unemployment and disparate employment trends.

The U.S. has an unemployment rate of 6.2%, up from 5.9% last year. African Americans have had their highest unemployment rate ever in June and July of 2003 at 12%, compared to their White counterparts at 5.6% and 5.5% respectively. This illustrates that the task of our Civil Rights heroes is far from complete. According to the Urban League Report this year, one-third of Black families are near or below the poverty line, leading to a social impasse in the 21st century until crime is minimized, political respect is had, and their economic power fully utilized.

The phrase ''A voteless people is a hopeless people'' has as much relevance to minorities now as it did 40 years ago, which is amazing given the technological and social advancements that we now have. In many respect it is an embarrassment and disrespect to the great Civil Rights leader that some people now do not vote or are constrained in their right to vote in some fashion. As I'm sure you all are well aware, the redistricting dilemma which we face in the Texas legislature and in the Federal Government exemplifies that the fundamental right to vote still remains vulnerable to abuse and manipulation by those who do not truly respect it. Furthermore, language, racial, and educational barriers continue to preclude the most informed and truly ''representative'' voting process. Citizenship Workshops, which I recently introduced and plan to hold in the near future to educate and to assist the Legal Permanent Residents in Houston in obtaining U.S. naturalization and therefore perfected voting rights, will help to bridge these gaps and open the barriers that hinder the effectiveness of our system.

In the area of human rights, we must fulfill the Reverend Doctor Martin Luther King, Jr.'s dream of a nonviolent and peaceful world in Israel. The latest news of the failing cease-fire agreement in Israel, the continued battles, and constant fear of death by sniper or suicide bombing make it clear that we have yet to ''overcome.'' Innocent people cannot enjoy their basic human right to live without terror, and children die by the masses. The Roadmap to Peace cannot perish, and neither should our efforts to maintain our journey thereon.

Further evidence that we have yet to ''overcome'' can be found in Baghdad, Iraq. Our soldiers are beset by snipers and terrorists who threaten to attack them while their backs are virtually unprotected. They cannot secure peace alone, and they should not be charged with that duty. The spirit of the Civil Rights Movement dictates that we reach out and join hands with the international community to usher in peace together. Instead of having to celebrate the martyrdom of heroes such as the late U.N. High Commissioner for Human Rights, Sergio Vieira de Mello, I would much rather we now bring him, and the other brave individuals whom we lost, home to their families in celebration of peace and a successful mission.

Moreover, our brothers and sisters in Liberia, who have reached the first stage of the establishment of a democratic and humane society, must receive the assistance and manpower that are required. It is an atrocity that, in the international community, there are parties that are armed with the tools and the knowledge necessary to bring stability to that nation who have made but minimalist approaches to date. The U.N., ECOWAS troops, and other commissioned officials need help in building infrastructures of government and health.

Furthermore, the suffering and death by the cruel pandemic effects of HIV/AIDS and famine in Ethiopia, Zambia, and South Africa are unspeakable. I had the opportunity to witness these atrocities first-hand on a Congressional Delegation with Congresswoman BARBARA LEE. Each child, mother, and father in these regions has a right to eat, to survive, and to see tomorrow. Severe drought and inadequate agricultural policy are not their fault. Promiscuity and prostitution without protection are begotten from hunger and suffering. Their lack of education only exacerbates their proclivity to live a high-risk lifestyle in these regions. Again, the international community can eradicate these problems by joining hands and marching forward bearing combined resources and expertise.

This celebration and commemoration of the Historic March also paid homage to other great pioneers who have recently passed on. The life and accomplishments of the late Mayor Maynard Jackson, Jr. bestowed upon many minorities the opportunity to compete and succeed in building a prosperous small business. Similarly, the late Gregory Hines opened the doors for many minorities in entertainment. We see the fruits of his inspiring achievements and the level of his excellence in performances of talented individuals such as Savion Glover. The 40th Anniversary celebration was about remembering the achievements of the Civil Rights Leaders, of individuals who have shared their talents with the world, and from which we have all received gifts that enhance our enjoyment of everyday liberties. The celebration was about expanding from and extrapolating these gifts to build a better and more peaceful world. This celebration was about embarking upon a whole new journey, a whole new march that will not end until peace, unity, equality, and self-determination are achieved for all of our brothers and sisters.

Ms. LEE. Mr. Speaker, I would like to thank my colleague from Georgia for introducing this important resolution that we are considering on the House floor today.

Over 40 years ago, hundreds of thousands of citizens marched together upon Washington D.C. demanding two things, jobs and freedom. From all corners of our great nation people of all races, ethnicities and all walks of life came to participate in a peaceful demonstration that would leave a lasting legacy upon our country.

The march on Washington—now forever known as just the march—represented one of those watershed moments in American history that deserves to be remembered and commemorated by all of us.

Televised worldwide, the march brought to the world the continuing social and economic discrimination faced by African Americans, as well as the inspirational words of many leaders of the Civil Rights movement, like the great Martin Luther King Jr., and my dear friend and colleague, Congressman John Lewis.

Looking out upon the masses gathered around the Lincoln Memorial, Dr. King's delivered his now immortalized ''I Have a Dream Speech'' which proved to be the focal point of the march that day.

Speaking of the impetus for the march, Dr. King said:

> We have come here today to dramatize an appalling condition. In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.
>
> This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check which has come back marked ''insufficient funds.'' But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation.

The disconnect between white America and people of color regarding the issues of social and economic freedom and opportunity that Dr. King spoke so eloquently about remains with us today, as does that same optimism and sense of urgency that pervaded his speech and the march that day.

To be sure, substantial progress has been made in the 40 years since the march took place. But clearly we have a very long way to go before we can truly say that the ideals of the march have been met, particularly when we talk about economic freedom and opportunity for African Americans, the poor and people of color.

This is most clearly reflected in the labor and employments statistics that are released every month. In virtually all categories, African Americans and Hispanics, have higher rates of unemployment than their counterparts.

And we must equally warn that racism still very much exists in this country today. Only now it is much more subtle and insidious than the discrimination we faced in the 60's or that which our parents before that. Discrimination is still about racial profiling by law-enforcement. It is still about environmental injustice, which has become entrenched in our society by the unequal distribution of federal, state, and local funds which could provide needed healthcare, education and housing services to minority communities. And sadly as evidenced by the recent 9th Circuit Federal Appeals Court ruling, it is still about voting rights—only in this case the right to have our votes counted equally.

So I close today by reminding my colleagues that there is still much, much more to be done. Our march goes on, and will continue to go on until—in the words of Dr. King—we can say ''justice rolls down like waters and righteousness like a mighty stream.''

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am here today to express my

support of H. Res. 352, a resolution to remember and honor the historic March on Washington of 1963. This 40th anniversary of the historic March on Washington and Dr. Martin Luther King's universally famous ''I Have a Dream'' speech is a bittersweet moment.

I would like to especially thank my colleague, Representative SANFORD BISHOP for sponsoring this resolution. For many, Dr. King's dream has not come to fruition. It remains unfulfilled. As thousands gather from around the nation and the globe to reenact the fabled march and to rehearse the words of the visionary civil rights leader, we will celebrate the tremendous strides the nation has made on the issues of race, equality and social justice during the past forty years.

However, as the leaders and representatives of more than 500 organizations converged at the Lincoln Memorial, we are also reminded that the ''Dream'' Dr. King so eloquently articulated is still beyond the aspirations and the grasp of millions of our citizens. They have been left behind and are left out of the ''Great American Dream.''

Forty years later, some 13 million children in this country do not have enough food to eat. Four decades later 41.2 million people lack health insurance. As the economy shows certain signs of recovery, more than 9.6 million Americans still cannot find jobs. Matters are even worse in minority communities. The African-American unemployment rate hovers at 11.1 percent compared to 5.5 percent for whites.

Forty years ago we said, ''I have a dream!'' Today, we say, ''How long will we suffer injustice in America?'' The American people are in jeopardy of losing 50 years of progress in civil rights and civil liberties.

In fact, under the guise of the PATRIOT Act we are experiencing a rollback of these hard-earned rights. Elections have been stolen and voting rights have been denied.

In Texas, a proposed redistricting plan would disenfranchise minority voters across the state.

Mr. Speaker, I encourage all my colleagues to take the time to acknowledge the 40th anniversary of the event that affords all of us an opportunity to rededicate and to recommit ourselves to the vision articulated by Dr. King. Like Dr. King, we can say: ''. . . That in spite of the difficulties and frustrations of the moment, I still have a dream.''

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the resolution, H. Res. 352.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

POSTMASTERS EQUITY ACT OF 2003

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 678) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The Clerk read as follows:

S. 678

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 ''Postmasters Equity Act of 2003''.

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) PERCENTAGE REPRESENTATION REQUIREMENT.—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting ''that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters,'' after ''majority of supervisors,''; and

(2) by striking ''supervisors)'' and inserting ''supervisors or postmasters)''.

(b) CONSULTATION AND OTHER RIGHTS.—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization, subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

''(A) by substituting 'postmasters' organization' for 'supervisors' organization' each place it appears; and

''(B) if 2 or more postmasters' organizations exist, by treating such organizations as if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

''(2) If 2 or more postmasters' organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4)).''.

(c) DEFINITIONS.—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

''(3) 'postmaster' means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

''(4) 'postmasters' organization' means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

''(5) 'members of the postmasters' organization' shall be considered to mean employees of the Postal Service who are recognized under an agreement—

''(A) between the Postal Service and the postmasters' organization as represented by the organization; or

''(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters' organizations (acting in concert) as represented by either or any of the postmasters' organizations involved.''.

(d) THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 678.

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

There was no objection.

Mr. BURTON of Indiana. I yield myself such time as I may consume.

Mr. Speaker, S. 678, the Postmasters Equity Act, was introduced by the distinguished Senator from Hawaii, Senator DANIEL AKAKA, and it gives our Nation's most valued postmasters the same options available to postal supervisors when negotiating pay and benefits with the U.S. Postal Service. My colleague on the Committee on Government Reform, the gentleman from New York (Mr. MCHUGH), who is the chairman of the special panel on Postal Reform and Oversight, introduced an identical bill, H.R. 2249, which passed this House back in July; and I am proud to be a cosponsor of that bill, and I am pleased the House is considering the Senate version of that bill today.

This legislation extends to postmasters and other nonunion postal employees the fact-finding procedures already established under current law for postal supervisors. This process allows for an unbiased review of issues in dispute during negotiations, as well as the ability to issue nonbinding recommendations to resolve those issues. Currently, without this right, postmasters lack any form of recourse when pay talks under the consultation process fail.

Based on the 38,000 post offices across the country, postmasters provide an essential link to the Federal Government and to other nations' citizens. This bill provides essential fairness to postmasters, and this legislation has already unanimously passed the Senate

and unanimously passed the House in its House version. I am very pleased that this legislation will soon be on the President's desk and enacted into law, and I want to commend the Senator from Hawaii and the gentleman from New York (Mr. MCHUGH) for their diligence on the Postmasters Equity Act and for their support. I urge all Members to support its passage.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague, the gentleman from Indiana (Mr. BURTON), in consideration of S. 678, the Postmasters Equity Act of 2003.

S. 678 was introduced on March 20, 2003, by Senator DANIEL AKAKA. This measure would amend chapter 10 of title 39 to include postmasters and postmasters' organizations in the process for the development and planning of pay policies and benefits.

S. 678 is cosponsored by 39 Senators, including the chairman and the ranking member of the Senate Government Affairs Committee, Senator SUSAN COLLINS and Senator JOSEPH LIEBERMAN. On July 25, the Senate Governmental Affairs Committee unanimously approved S. 678, the Postmasters Equity Act of 2003.

The bill was amended to substitute the language of the House bill, H.R. 2249, sponsored by me and the gentleman from New York (Mr. MCHUGH). H.R. 2249 had been reported earlier out of the Committee on Government Reform by voice vote. During the 1996 Congress, President Carter signed into law legislation creating a fact-finding process for resolving disputes over pay and benefits and to make recommendations to the Postal Service. It did not provide for arbitration of the disputes, and the recommendations were not binding on the Postmaster General. However, the law only applied to postal supervisors, not postmasters.

S. 678, like its House counterpart, H.R. 2249, would extend to the postmaster the option of a fact-finding panel to make nonbinding recommendations to the Postal Service. Currently, when pay and benefit discussions between the Postal Service and postmasters fail, postmasters have no recourse and have to accept what is offered by the Postal Service. Passage of S. 678 would bring consistency in the manner by which the two categories of postal managers negotiate with the Postal Service over pay and benefits.

Mr. Speaker, I am proud to have been a sponsor of this legislation. I urge swift adoption of this bill and commend Senator AKAKA for all of his hard work on behalf of postmasters.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to congratulate the gentleman from Illinois (Mr. DAVIS) for cosponsoring this bill and for all of the hard work he has put in on this and a lot of other pieces of legislation before the committee.

Mr. Speaker, I thank Senator AKAKA for introducing this important bill and the gentleman from New York (Mr. MCHUGH) for his hard work. I urge all Members to support the passage of Senate bill 678.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the Senate bill, S. 678.

The question was taken.

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

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING PROFOUND SORROW FOR DEATH OF INDIANA GOVERNOR FRANK O'BANNON AND EXTENDING THOUGHTS, PRAYERS, AND CONDOLENCES TO FAMILY, FRIENDS, AND LOVED ONES

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 369) expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones.

The Clerk read as follows:

H. RES. 369

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Governor O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Governor O'Bannon will be remembered as a loving husband to his wife Judy, and a devoted father to his 3 children and caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003, and extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(2) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the Air Force, the Indiana State Legislature, and as Governor of Indiana; and

(3) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

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

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I met Frank O'Bannon, our now-deceased Governor, I met his father back in the late 1960s when I served with his father in the Indiana State Senate. His father was editor and publisher of a newspaper in Corydon, Indiana; and he was one of the finest men I ever served with. He was a real gentleman. Even though we had our differences, Governor O'Bannon's father was a wonderful man.

Mr. Speaker, we know a lot about people by their children. And although I knew Senator O'Bannon, Governor O'Bannon's father, very well, I was not sure about what kind of family man he was. But then I met his son who became Senator after his dad retired, and Senator Frank O'Bannon was also one of the finest men I ever served with in the Indiana State Senate. His brother, Bob, who is a businessman in Indianapolis, is also fine man. We know a lot about people by their children, and Governor O'Bannon was a wonderful man, and I am sure his mother was a wonderful woman as well.

Governor O'Bannon was revered by everyone who knew him, whether it was a Republican or a Democrat. He was a very fine public servant, a man who really cared about his fellow man and his civic responsibilities. He learned that from his father and mother and worked hard in both the Indiana State Senate and as Governor.

Although we had political differences, I always admired him because he was a man of honor. If he gave you his word, you could take it to the bank. He always said what he meant, and he meant what he said. We are going to miss him in Indiana.

I will tell one little anecdote. Senator O'Bannon sat directly in front of me when I was a freshman when he was a State Senator. I was seated on the Democrat side, and he was the minority leader for the Democrats in the State Senate. He was such a nice guy we would kid each other. One day I said, Senator, you are such a nice guy and so intelligent and you read papers, I know you can read, I do not know why you do not become a Republican. And he turned around and looked at me without batting an eye; and he said you

have the same qualities, I do not know why you do not become a Democrat. That was one of the more interesting and funny anecdotes I remember about Governor O'Bannon.

He was a wonderful man. We are going to miss him in Indiana. I wish his wife the very best. I know she is suffering a great deal, as well as the rest of his family right now; but I hope that Judy O'Bannon is doing well, and we wish her the very best. She and her family have our prayers.

□ 1530

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

Mr. Speaker, Governor O'Bannon was in my congressional district when he passed away. Certainly I would want to extend on behalf of all of the people in Chicago and the people of Illinois our sympathies to his family and to the people of Indiana.

Mr. Speaker, Frank O'Bannon, the 47th Governor of Indiana, died last week at the age of 73 from a stroke. After serving 18 years as Lieutenant Governor to Evan Bayh, Frank O'Bannon was elected Governor of Indiana November 5, 1996, and was reelected on November 7, 2000.

Frank O'Bannon's two inaugurations as Governor made history. After he was elected in 1996 he invited Indiana's fourth grade history students to witness his inauguration, something no Governor had ever done. Despite subzero temperatures that day, hundreds of Hoosier schoolchildren for the first time ever watched as their Governor was sworn in.

After his 2000 reelection, Governor O'Bannon repeated his invitation to the fourth grade history students. This time, however, the festivities were moved inside the RCA Dome in Indianapolis. More than 25,000 students and visitors from across Indiana watched as the Governor was sworn in, making it the largest gubernatorial inauguration crowd in Indiana history.

Although Governor Frank O'Bannon was sometimes criticized by other lawmakers for not being more assertive, he followed his own instincts for achieving consensus quietly. Born on January 30, 1930, in Louisville, Kentucky, Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana.

Education, health care, building communities, promoting public safety and economic development are the hallmarks of Frank O'Bannon's legacy as Governor of Indiana. He taught those fourth grade students a valuable lesson in leadership, integrity and good works.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I would like to share a few thoughts about our Governor from Indiana for people outside Indiana who are not as familiar with him.

The past few days have been an outpouring of grief and almost a celebration with the O'Bannon family about our Governor that is different than anything I have seen in Indiana politics. It is partly, I think, a transition of an era. Frank O'Bannon represented a different part of politics when it was not quite as, how would you say, aggressive, it was not quite as negative. He was a friend to everyone. Even when we had differences it was a different type of relationship.

He came from the little town of Corydon, which was our State capital. As you would look at it, it would be a picturesque vision of what Indiana was when we started in southern Indiana and moved to the north. And Indianapolis in the north has now the bulk of the population and the bulk of the power, but Corydon still represents kind of old Indiana.

When he ran his campaign, no matter who his opponent was and no matter what kind of campaign they ran, he ran a Hoosier-roots type of a campaign. You would see him and his wife on their porch in Corydon. You would see him talking with his grandkids. You would see him talking and sending a different signal than often is put forth in politics. It was a symbol of comfort much like Governor Bowen used to have, saying in Indiana we may not be flashy, we may not all have blow-dried hairdos, we may not be as slick as other people, but we are going to produce good, honest government that is going to continue to move Indiana forward.

We are in a period of transition. And, interestingly, this man whose family was deeply rooted in early Indiana history and whose father had been a public servant, in addition to his normal public service he realized that Indiana was in this transition period. And while we sometimes disagreed on how best to do it, I think one of the things he will most be remembered for is his commitment to education at a time when Indiana is struggling with funds, like everybody else, and we have limited funds in education, to take those education funds right now and concentrate them on getting kids able to read by age 3.

He understood that if Indiana was going to move forward, whether you had the old Indiana or the new Indiana, whether you were kind of a comforting grandfather figure like he has been in Indiana, or a young slick politician coming up, if we did not have basic education in Indiana we weren't going to be able to compete with the States around us and around the country.

He and his wife have a tremendous legacy of preserving Indiana landmarks of many different things. But I think his effort to make sure that all kids can read will be one of his major legacies and also his legacy of how a public servant should be in relationship to other members of his party, of other parties, and to the people of Indiana. That is why we are seeing this extended outpouring of grief because we are worried that the Nation is changing and we are losing the type of values that Frank O'Bannon brought to government.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 5 minutes to the Governor's Congresswoman, the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Chicago and certainly my colleague from Indiana for bringing forth this resolution today in tribute to a young man whose service to his family, to the State of Indiana, and to this Nation is unsurpassed.

The Governor just 3 weeks ago met the President at the airport in Indianapolis when he came out to Indianapolis for disaster relief, and the Governor had just hosted the National Governors' Association there.

Frank O'Bannon was the type of guy who gave of himself, who lived for a cause, not just because.

Frank O'Bannon even in death contributed his organs so that somebody else may have a quality of life. Since his passing, I was telling his wife yesterday, I spent an enormous amount of time with the widow, ''Wouldn't it be great if Frank from on high could hear all of the attributes that are being given to him now that he did not hear when he was living?''

Unlike many other Governors in the United States, he came under a great deal of pressure because of the economic crisis that Indiana faced, a problem over which he had no control and had nothing in fact to do with it. But time and time and time again he came under a heap of criticism for Indiana's woes. I think he reminds all of us that even though we may not have control over something, it is unjust, it is like man's inhumanity to man, to heap that kind of pain and frustration on an individual who had done so much in improving the lives of the people in the State of Indiana.

I remember when Frank O'Bannon first decided he wanted to be a Governor. I was a member of the Indiana State Senate along with him. And because EVAN BAYH decided he too wanted to be the Governor at that time, Frank O'Bannon in his own genteel way stepped aside and allowed our now junior Senator to become the Governor of Indiana and Frank yielded to become the Lieutenant Governor in the State of Indiana. I was telling his wife yesterday that fate had undoubtedly orchestrated that, because he was not Governor just for 8 years, he was almost Governor for 16 years. He served as Lieutenant Governor for 8 years and almost completed 8 years as Indiana's Governor.

Frank O'Bannon served over 6.15 million people and he served them well.

Politics, economic situations, religious denominations all paled under Frank O'Bannon's leadership. Today is a very difficult day for me, because I had so much respect for Frank O'Bannon, but then I remember the words of Ecclesiastes that reminds us that there is a time for all things.

Frank O'Bannon, I suppose, could have continued to suffer, but God would have it another way. Danny, your hospital took great care of our Governor. I want to thank you and your hospital for that. They had one of the best neurosurgeons that this country has right there at Chicago hospital. So I want to thank you and yours. And certainly to Judy O'Bannon, who has been a yeoman throughout this ordeal, who has been very stately, like a stateswoman throughout the pain that she and her family endure, my heart, my prayers go out to Judy, to Jennifer, to Polly and to Jonathan. I know in due time that pain will pass but precious memories never fade into eternity.

Mr. Speaker, I rise to share with my colleagues and with the Nation just a glimpse of what Indiana has been going through in recent days.

Last week our Governor Frank O'Bannon, a gifted and gentle man on loan from God, suffered a massive stroke while hard at work for Indiana. Through the week, as he lay stricken, we thought of him, remembered him, worried about him and prayed for him. Then, on Saturday, we lost him.

My Governor, ''Frank'' as everyone called him, was a kind and intelligent man of great substance. A gifted man with many choices before him, he made a selfless choice: to spend a lifetime in public, a lifetime in service.

Now in public life, as we know—borrowing a bit from James Taylor—'we see fire, we see rain, and sunny days we thought would never end'. Our duty is serve our way through, keeping the people and the responsibility ever in mind, looking again to reach those sunny days.

For My Governor, it was ever so. The sunny days were many—his work in our Senate, as our Lieutenant Governor, and as Governor the last 6½ years, saw great leadership and many sunny days, great prosperity and great progress, turning finally to fire and rain, as economic suffering reached Indiana and the blame was laid at his feet. Through it all, Frank never stopped working for Indiana, knowing, as we all do, that we would reach sunny days again.

As we know, too, public service can be lonely, wearying at its worst. As he soldiered on, this fine man absorbed the dismay, the frustration, the anger. Wherever I was, I spoke to him each week, not so much as our Governor but as a man I had known many years, whose friendship I treasured and whose commitment I admired, to remind him not to be ground down, that his commitment was a wise one, that sunny days would come again. And he returned the favor, with good counsel about the heart of public service.

He is gone now, recalled in a way. Indiana is in good hands, but we shall miss him greatly.

To My Governor, our ''Frank'', our prayers on the way. And, to Judy, ever his active partner and helpmate, to the kids, Jennifer, Polly and Jonathan, it is my prayer that your precious memories of all that was so fine will help to sustain you through these mysterious days and hours of our farewell.

FRANK

You can do an article about Governor Frank O'Bannon, but you can't do it justice, not in any language I know. But I have to try.

In the prefaces of The 1600 Killers and Slander and Sweet Judgement, the two volumes of my memoir, I wrote: ''One of the principal and principled inspirations for this work was the Honorable Frank O'Bannon, forty-seventh governor of Indiana. He, his wife Judy and his lieutenant governor, war-hero Joe Kernan, brought a refreshing wholesomeness and down-to-earth wisdom to the people of Indiana, of whom I am privileged to be one. The headline on The Indianapolis Star/News story that reported Frank's 1996 Election was, 'Nice guy finishes first.' Amen''

The name of our dearly departed governor is O'Bannon, but his face was not ''the map of Ireland;'' it was the map of Indiana. His voice inflections, the twinkle in his eyes, the generous smile made him the personification of all that is good in what we call Hoosier.

An old cake ad read and said, ''Nobody doesn't like Sarah Lee.'' Noboby didn't like Frank. And nobody doesn't like the superlatively eloquent Judy.

Several years ago, Hoosier Congressman PETE VISCLOSKY was seated inside a banquet hall, awaiting the arrival of the principal speaker, the slightly behind schedule, then-Lt. Governor Frank O'Bannon. Suddenly, someone told PETE that his nearly octogenarian father had slipped and fallen on the ice outside. PETE rushed to his father's side and found Indiana's second highest elected official helping the elderly man to his feet.

We use the word ''gentleman'' over and over, but how often do we stop to realize what it means? A gentleman is a man who is gentle and the heroine of the play Love is a Many Splendored Thing, declares, ''There is no greater strength than gentleness.'' By that definition and declaration, Frank O'Bannon was a person of towering strength. John F. Kennedy said it: ''Civility should not be confused with weakness.''

Michel Eyquem de Montaigene wrote, ''Sit ye never so high upon a stool, yet sit ye but upon your own tail.'' Frank intuitively knew, felt and lived this. He was no big shot. He did have a stuffed shirt, though, stuffed with a warm, caring and giving heart.

Hoosier journalist William Miller Herschell asked, ''Ain't God good to Indiana?'' When I think of Frank O'Bannon, I know the answer.

ANDY JACOBS, JR.,
Former Member of Congress.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from the Eighth District of Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. I thank my colleague from Indiana for yielding me this time.

Mr. Speaker, I rise to join my colleagues from the great State of Indiana in extending our thoughts and prayers to the family of Governor Frank O'Bannon during this difficult time. I have had opportunities to work with Governor O'Bannon over the last several years and have come away with several impressions. First, Frank was a public servant, committed to working tirelessly on behalf of Hoosiers from Michigan to the Ohio River. Second, when working with the Governor on issues such as the completion of Interstate 69 through Indiana, he proved himself to be a visionary and a leader, willing to address tough issues head-on, to do what is best for the entire State. Finally and most importantly, Mr. Speaker, Governor O'Bannon was in every circumstance a gentleman. In an era of declining civility, Frank stood out for his warmth, his comity and good humor.

I ask my colleagues today to lift the O'Bannon family up in your prayers that they might derive strength and joy from God even as they pass through these most difficult days. Mr. Speaker, I urge immediate passage of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

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

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Speaker, it is with genuine sadness and a very heavy heart that I rise today in support of the resolution in honor of Indiana Governor Frank O'Bannon. Governor O'Bannon, as was mentioned, tragically passed away this past Saturday. I also want to extend my deepest sympathy, prayers and offer of assistance to Governor O'Bannon's wife Judy and their children and family.

One of the finest opportunities my career in politics has given me is meeting, working with and becoming friends with Frank O'Bannon. Frank was one of the most gentle men, one of the most decent men and one of the kindest individuals I have ever, ever met in my life. He is a man who could have been successful at any pursuit in life. He chose a life of public service because it was a life he could give to others. Except for his love for Judy and their children and their family, nothing was more important to Governor O'Bannon. His commitment to the future in children was foremost as far as his administration. And because Frank O'Bannon always knew who he was, he allowed his quiet demeanor and gentle nature to mask his inherent strength and ability to make very hard and very tough decisions for the good of all of the citizens of Indiana.

Mr. Speaker, a number of my colleagues have mentioned anecdotes and we all deal with individuals on a personal level, and I would add my two. Many years ago when Frank O'Bannon was first campaigning for Governor, I was at St. Mary's Orthodox Church hall in Gary, Indiana, at a political rally. Someone came in and said my father had fallen on the ice and snow outside. I go outside, Dad was perfectly fine, but there was Frank O'Bannon because

he was near my father. There was nothing more important to Frank at that moment in time and if it took all night he was going to make sure he was up, he was fine, he was cleaned off and he got in that hall, no matter what his other demands were.

The other continuing recollection I have is I tried not to impose upon the Governor's good nature or offices very often but whenever I called for assistance, he never said he would do it. He never said yes. He always said, ''I'll see what I can do.'' And invariably the problem was solved, someone was helped or the State of Indiana moved ahead because you knew he was always going to do his best.

Frank O'Bannon was a good, good man. We are all going to miss him not only in our State but in this great country.

□ 1545

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I have been very moved by the comments of my colleagues today, and I also rise to express, as this resolution suggests, the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon.

I was greeted by my wife, Karen, as I returned from the grocery store Saturday. She, with tears in her eyes, told me simply that Frank had died. And throughout last week, along with tens of thousands of Hoosiers, our family labored in prayer, not so much on behalf of a Governor as we did on behalf of a friend, because that is what Frank O'Bannon was to tens of thousands of Hoosiers.

I will never forget years ago, long before I entered public life, chatting with Governor Frank O'Bannon about the State of Indiana, and his face virtually lit up as he said, you do get to feel that you know somebody in every little town in this State when you do this job.

I always had the feeling for Governor Frank O'Bannon that Indiana was a small town, if not even a family, and it did not matter what our politics were, that was 8:00 to 5:00 with Frank O'Bannon. After 5 o'clock we were Hoosiers, and we came together and on so many occasions. I remember, with great fondness, his intense interest in me and in my family and in my children. He had this unusual quality, that I have reflected on with my colleagues from Indiana, of making everyone else in the room feel that they were more important than him. Even when he was the highest elected official in our State, he had a quality of humility that will always remain for me a standard in public life.

In closing, I just add, as the gentlewoman from Indianapolis, Indiana (Ms. CARSON) said, the Good Book gives us comfort in time of loss, and I think of those verses in Micah, chapter 6 verse 8. It says ''In what, O, man, is required of you but this: To do justice, to love kindness, and to walk humbly with your God.''

When I look at the public career of Frank O'Bannon as a man, a State senator, a Lieutenant Governor, a Governor, a husband, a father, a grandfather, he was a man who did justice, who lived and loved kindness, and who walked humbly, in a way that will ever inspire this public servant to do likewise. To Judy and the children, to Governor Kernan and Maggie, our condolences and our prayers.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Illinois, and I thank the other gentleman from Indiana for bringing this resolution so quickly to the floor. I join my Indiana colleagues.

I knew Frank O'Bannon pretty well. I was asked by the gentleman from Missouri (Mr. GEPHARDT) in 1995 to serve in the capacity of the liaison to the National Governors' Association and to the Democratic Governors' Association, and I, therefore, know firsthand the loss that the Hoosier State has sustained and the loss of this extraordinarily popular Governor, who presided over great change and progress in his State. Our Nation, as I think the last speaker indicated so well, has lost a model public servant and citizen.

A few years ago when I served as the House liaison, I had the pleasure of working with Governor O'Bannon, both on issues that were in front of the Congress and on politics, and I can confirm what so many have written and said about him. He was a wonderful, intelligent, kind, and humble gentleman who, along with Judy, worked tirelessly for all Hoosiers and who cared deeply about his country and his State.

It is noteworthy, I think, that Governor O'Bannon never lost a political election. Democracy is an extraordinary process, and the people's wisdom is what makes it so great because they choose well. They choose different types of people, and we contend politically, but I am always impressed with how well, ultimately, they do choose. But it is telling what his last opponent David McIntosh, a former Member of this body said about him. This is somebody who ran against him, ran a hard campaign, an extraordinarily able young man. He said this: ''Everywhere I'd go, people would say to me: 'How are you going to run against someone who is everyone's grandfather?' And it was the truth,'' David McIntosh said. ''He was a congenial guy that everyone liked.''

After serving 18 years in the Indiana Senate including 8 as Democratic floor leader and 8 as Lieutenant Governor and more than 6 years as Governor, Frank O'Bannon pulled off a rare feat in politics: He was both effective and well-liked. However, his gentle nature is not his only legacy. His many accomplishments, as the colleagues from Indiana know better than I do or others, include creating a community college system, adopting of academic standards that are among the best in the Nation, extending health insurance to nearly half a million children, and engineering an overhaul of the State tax system to entice business to Indiana and to relieve property tax owners.

There is no doubt, Mr. Speaker, that Frank O'Bannon lived life to the fullest, graduating from Indiana U, where he played basketball, serving in the Air Force, practicing law, and working as a newspaper publisher in his native Corydon. And there is no doubt that we are fortunate for his service. I am pleased to join my colleagues in lamenting for ourselves, for Indiana, and for our country the loss of this extraordinary individual and being joyous in the fact that, as a man of faith, he is better off, and joyous in the fact that we had the opportunity to know him and to work with him and to know that his State and country were better for his life.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

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

Mr. CHOCOLA. Mr. Speaker, I rise today in support with my colleagues of this resolution with great sadness and great respect. This certainly is a sad day for all Hoosiers when we learned of the passing of our Governor, Frank O'Bannon. Although I have served in Congress for a short period of time, and my personal experience with Governor O'Bannon has been limited, I have great respect for the man he was and the life he lived.

One did not need to know Frank O'Bannon very well to know what kind of a person he was. He had the rare ability to project his sincerity and his genuine nature to all that he came in contact with.

And those who knew him well, regardless of their political affiliation, were unanimous in their praise and respect for the man and his character. I think we are seeing a great example of that today.

I consider it my loss that I did not have a greater opportunity to work with and learn from Frank O'Bannon, and certainly the entire State of Indiana will miss him and his lifetime of public service. But in the end, we are all fortunate and grateful for the example he gave us and thankful for his legacy of leadership.

Mr. Speaker, I know I speak on behalf of all my constituents in the 2nd District of Indiana when I thank Frank O'Bannon for his service to our State, and our thoughts and our prayers are with his wife, Judy, and his entire family.

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

Mr. HILL. Mr. Speaker, I have been most impressed by the quality of remarks that have been talked about here this afternoon, most impressed about the sincerity of the remarks that have been made here this afternoon. I believe that it demonstrates the quality that Frank O'Bannon had and that he transcended politics. Both Republicans and Democrats admired him and respected him and loved him. They may have had differences, but never lost the respect.

I have known Frank O'Bannon for over 20 years. He was one of the first people that I ever became acquainted with in politics. His home, where his wife and his children were raised, is in Corydon, Indiana, a town that is in the 9th District, in my district. I have been to his house, stayed all night with him, loved him and admired him and respected him, and we miss him in Indiana. For the last week we have mourned our great Governor, but in the next couple of days we are going to celebrate the life of Frank O'Bannon and the many accomplishments that he had.

Probably the greatest accomplishment in his life was the fact that one could be a nice guy and get elected to the highest office in Indiana. Good guys can finish first, and Frank is a perfect example of that.

I wish many people and Members of Congress could have witnessed the class that the First Lady of Indiana demonstrated to the people of Indiana and to this Nation. She really held her strength and demonstrated that, while she could mourn, she could remain strong for the people that she loved in Indiana.

We are going to miss Frank O'Bannon, but I am convinced of one thing: He has a one-way ticket to heaven, and I hope to join him there someday.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time. Therefore, I urge swift passage of this resolution, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Let me just end by saying that in the 1997 inauguration speech, Frank O'Bannon made some very poignant remarks that I think are appropriate at this time. He said: ''Life is no brief candle for me. It is sort of a splendid torch which I got hold of for a moment, and I want to make it burn as brightly as I can before turning it over to future generations.'' Frank O'Bannon did just that, and we all miss him, and we wish his family the very best, and they are in our prayers.

Mr. BUYER. Mr. Speaker, today, we pay tribute to Governor Frank O'Bannon—a statesman, loving husband and father and a friend to many.

A loyal servant of Indiana for over 30 years, Frank O'Bannon lived life as a country gentleman, with an unassuming strength to hold to his convictions to lead a State but more important, a deep and endless devotion to family.

The life of Frank O'Bannon is one to look at with inspiration and thanks. Our thoughts and prayers are with his wife Judy, their three children—Jonathan, Jennifer and Polly and their 5 grandchildren.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 369.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 369, the resolution just agreed to.

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

There was no objection.

HONORING THE SMALL BUSINESS ADMINISTRATION ON ITS 50TH ANNIVERSARY

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) honoring the Small Business Administration on the occasion of its 50th anniversary.

The Clerk read as follows:

H. RES. 368

Whereas the Nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people;

Whereas the Nation's 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually;

Whereas the men and women who own and operate the Nation's small businesses make a vital contribution to the Nation's prosperity through their ongoing work to create new technologies, products, and services;

Whereas small businesses produce 13 to 14 times more patents per employee than large patenting firms, and these patents are twice as likely as large firm patents to be among the 1 percent most cited;

Whereas the Small Business Administration was officially established in 1953 and for the past 50 years has played a vital role in ensuring that the door to the American Dream is truly open to all entrepreneurs;

Whereas the mission and high calling of the Small Business Administration is to champion the interests of the Nation's entrepreneurs for the benefit of all Americans;

Whereas the Small Business Administration is marking its 50th anniversary by celebrating the accomplishments of small-business owners across the country throughout the year; and

Whereas the President has designated the week beginning on Monday, September 15, 2003, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Small Business Week, and the events surrounding the 50th anniversary of the founding of the Small Business Administration;

(2) commends the Administrator and the employees of the Small Business Administration for their work on behalf of the Nation's small businesses; and

(3) reaffirms that the Small Business Administration, through its loan, technical assistance, and entrepreneurial development programs, plays an important role in assisting small businesses to ensure a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution.

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

There was no objection.

PERMISSION OF MEMBER TO BE ORIGINAL COSPONSOR OF H. RES. 368

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member of the committee, be added as a an original cosponsor of H. Res. 368.

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

There was no objection.

□ 1600

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

Mr. Speaker, as has been the tradition for the past 40 years, the President of the United States has issued a proclamation calling for the celebration of Small Business Week, which I include for the RECORD today. We are now in the middle of Small Business Week for 2003, which is being sponsored by the Small Business Administration.

The purpose of this week's celebration is to honor over 25 million businesses that make up the U.S. small business community. It is very appropriate for us, today, to recognize the importance of America's small businesses and the significant role played by the Small Business Administration in our Nation's economic growth.

This year is particularly important in recognizing the 50th anniversary of the SBA. President Eisenhower and Congress established the SBA in 1953 to provide financial and management assistance to startup and growing small businesses.

Over the past 50 years, the SBA has helped countless numbers of small businesses survive and succeed in this economy. It maintains a portfolio of guaranteed small business loans and disaster loans totaling more than $45 billion. The 7(a) program alone accounts for approximately 40 to 50 percent of all long-term capital needs for small businesses. The SBA has also guaranteed another $13 billion in venture capital investments to small businesses. To complement its successful credit programs, the SBA's management assistance programs were delivered to more than 1 million small businesses during the past year.

Some of the great American companies that are now household names were initially started with assistance from the SBA. Allen-Edmonds Shoe, the Panda Restaurant Group, Winnebago Industries with help from the 7(a) program, Callaway Golf, FedEx, Hewlett Packard, Intel Corporation, Jenny Craig, Outback Steakhouse, Staples, Sun Microsystems and the Gymboree Corporation all started with infusions of capital from the Small Business Investment Company program.

U.S. small businesses are the driving forces behind our economy and are poised to lead this Nation out of its economic doldrums. More than 99 percent of all employers in the U.S. are small businesses, providing between 60 and 80 percent of the net new jobs added to our workforce. In fact, the National Federal of Independent Businesses said that in August hiring intentions among small businesses are at the highest level in a year.

Small businesses have proven, year in and year out, that they are a potent force in the economy, accounting for over 50 percent of the private sector output. And their sights are not just set at home. Leading the way towards a global economy, the small business community represents 96 percent of all U.S. exporters.

Over the past 3 years, I have been the chairman of the Committee on Small Business and the previous 6 years as the subcommittee chairman. I have witnessed the enormous potential of America's small businesses at work. As someone who grew up in a small, family-owned business and who ran his own law firm, I know that small businesses are flexible, creative, give us jobs, provide economic growth, and, most importantly, provide hope in a future for millions of families and communities across our Nation.

The resolution now before the House recognizes the critical role played by small businesses and the Small Business Administration in our economy. It is appropriate that we take a moment from our busy schedule to acknowledge the success of small businesses and to encourage our Federal Government to continue to provide it help to ensure future successes.

I urge each of my colleagues to vote for H. Res. 368 as a way to say thank you to the SBA and the small business community for its contributions to our Nation.

Mr. Speaker, I include for the RECORD the White House proclamation.

SMALL BUSINESS WEEK, 2003—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

The success of small businesses in America reflects the innovation, determination, and hard work of the American people. During Small Business Week, we celebrate the entrepreneurs and business people who create goods, services, and jobs, and bring opportunity and economic prosperity to communities throughout our country. We also reaffirm our commitment to helping more small business owners and their employees realize the American Dream.

Small businesses create the majority of new jobs in our Nation and account for more than half of the output of our economy. They lead the way in generating new ideas and creating new technologies, goods, and services for our country and for the world.

Small businesses also reflect the diversity of America. Nearly 40 percent of small companies in the United States are owned by women. There are also more than 3 million minority-owned small businesses across the country.

Because small businesses are vital to our Nation's prosperity and reflect the hard work of the American people, my Administration has taken important steps to assist small businesses and the people they employ. We have reduced taxes, encouraged investment, and removed obstacles to growth. The Jobs and Growth Tax Relief Reconciliation Act of 2003 I signed into law will provide 23 million small business owners with tax cuts averaging more than $2,200 each. The Act also quadrupled the amount that small businesses can expense for new capital investments, encouraging new investment in technology, machinery, and other equipment. This new technology and equipment will increase productivity and create new jobs, thereby contributing to the overall strength of our economy.

We are also seeking to permanently eliminate the death tax. With the repeal of this tax, small business men and women will be able to pass their life's work to the next generation without having to pay a punitive tax that in many cases forces the sale of the business or many of its assets. And I support legislation that would make it easier for small businesses to offer health coverage options to their employees. Through Association Health Plans, small businesses could pool together to offer group plans to all of their employees, like those available to large businesses. In addition, we are working to streamline small business regulations and paperwork. To this end, I issued an Executive Order that requires all Federal regulatory agencies to minimize these burdens on our Nation's small businesses.

The Small Business Administration (SBA), which helps American innovators and risk-takers launch and build their businesses, celebrates its 50th anniversary this year. By helping small businesses succeed, the SBA continues to strengthen America.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 14 through September 20, 2003, as Small Business Week. I call upon all the people of the United States to observe this week with appropriate ceremonies, activities, and programs that celebrate the achievements of small business owners and their employees and encourage and foster the development of new small businesses.

In witness whereof, I have hereunto set my hand this twelfth day of September, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-eighth.

GEORGE W. BUSH.

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

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

Mr. Speaker, I rise today in support of H. Res. 368, which recognizes the contributions that America's entrepreneurs make across the Nation and within our communities.

Often, people believe that GM, Lockheed Martin and IBM power our economy; but the reality is that small businesses are the driving force. Our country's 23 million small businesses create three out of every four new jobs, represent 99 percent of all employers and provide 70 percent of workers with their important first paycheck. It is because of this we, on the committee, say that small business is big business in America.

Success in small business ownership is one of the unique opportunities of our economy. Yes, in other countries their citizens can own their own businesses, but nowhere to the extent found in America. Americans grow up with the entrepreneurial spirit around us. The reality of owning your own business is not a far-off dream, but an achievable goal. We all know small business success stories, whether they are friends, grandparents, parents, or our sisters and brothers. The opportunity to start a small business is what draws many to our country. No place else in the world can someone with hard work turn an idea into a thriving business.

As these opportunities become more available, the face of small business is changing. Today, minorities are becoming business owners on a scale never seen before. Between 1997 and 2002, the number of Latino-owned firms increased by almost 40 percent and African American-owned businesses increased by 25 percent.

Small business ownership has also become a new avenue for empowering women. Whether because of family concerns or because the corporate glass ceiling still exists, women are striking out and starting their own companies at twice the rate of all businesses. This is simply phenomenal.

Make no mistake, it is not easy being a small business owner today. Small businesses are confronting health care premiums rising 14 percent this year alone, Federal regulatory compliance costs are increasing for small businesses, and the Federal Government continues blocking them from benefiting from the $235 billion Federal procurement market. While it is never easy, small business owners are in desperate need of health care reform, a national energy plan to reduce skyrocketing costs, access to capital, targeted tax relief, and access to government procurement.

Small businesses are a proven tool to guide the Nation out of economic downturns. Small businesses have done it before, and small businesses can do it again. However, their success can only be achieved if we provide them with the help they require.

So, today, as we recognize the hard work and commitment of America's entrepreneurs, it is also important that we recommit ourselves to working to create an economic environment that encourages growth for them. We must strive to make the job of our Nation's small businesses all the much easier. It is at least what we can do, given all they have done for us.

Today, with the adoption of this resolution, in a very small way we thank our Nation's entrepreneurs for the contributions they make every day. They are the catalyst for economic growth, and they are the anchors of our communities.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the Committee on Small Business, I want to commend the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership on small business matters.

Mr. Speaker, for the past 40 years, the President has issued a proclamation calling for the celebration of Small Business Week. I rise in support of the Small Business Administration's designating the week of September 14 through 20, 2003, as National Small Business Week. This celebration will honor the estimated 25 million small businesses in America who have created three out of every four new jobs and generate more than 55 percent of America's innovations.

Small Business Week recognizes outstanding small business owners for their personal achievements and contributions to our Nation's economy. One outstanding entrepreneur is named to represent each State as the State's Small Business Person of the Year. From this group, the National Small Business Person of the Year is chosen.

Small businesses employ half of our workers and account for half of our gross domestic product. Small businesses have and will continue to pull the U.S. economy out of recession. They anchor our neighborhoods, employ and train our workers, and take care of our families. They are the reason that the United States economy has consistently been known as the strongest in the world.

Today, we honor our small businesses and entrepreneurs for their efforts and what they mean to America.

Again, Mr. Speaker, I commend the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership and urge passage of this resolution.

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

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

Mr. HINOJOSA. Mr. Speaker, I rise as an original cosponsor in strong support of H. Res. 368, introduced by the Committee on Small Business chairman, the gentleman from Illinois (Mr. MANZULLO).

This legislation honors the Small Business Administration on the occasion of its 50th anniversary and designates this week as National Small Business Week.

In 1953, the SBA was created to champion the interests of the Nation's entrepreneurs for the benefit of all Americans. Our Nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people.

Over 25 million small businesses employ more than half of all private sector employees. They pay 44.5 percent of the total United States private payroll. They generate 60 to 80 percent of all new jobs annually. Small businesses are, in fact, the engine of this Nation's economy, as was said earlier by the gentlewoman from New York (Ms. VELÁZQUEZ).

I worked with my father in south Texas to build a small business in my district that today employs over 300 people. The SBA played a key role in this company's development by assisting my family in growing this business during the last 54 years. Presently, Ms. Sylvia Zamponi, the district director for the SBA in the Lower Rio Grande Valley District, is providing similar assistance to my constituents. I want to commend her for all her efforts on behalf of the small business owners in my congressional district.

I also want to express my appreciation for all of the efforts of the gentleman from Illinois (Chairman MANZULLO) to support small businesses and to improve their situation, particularly the manufacturing sector in the United States that currently is in a crisis with the dramatic loss of manufacturing jobs.

To help address this crisis, the gentleman from Illinois (Chairman MANZULLO) organized the Congressional Manufacturing Caucus, which I have joined, to preserve manufacturing jobs in America. The caucus will not only educate Washington on the importance of manufacturing in America, but it will work to enact policies to stem job losses and to put people back to work, including in south Texas and throughout the country.

I also commend the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for taking appropriate actions to ensure that SBA continues to perform effectively the mission Congress gave it over 50 years ago.

Mr. Speaker, again, I congratulate the SBA on its 50th anniversary and hope that the current administration will continue to fully fund SBA so it may continue to assist entrepreneurs throughout this country.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Guam (Mr. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for yielding me time.

Mr. Speaker, I rise today to honor America's small business community during national Small Business Week and recognize those small businesses on Guam that are the backbone of our island economy.

I would also like to take this time to thank Mr. Kenneth Lujan, the director of Small Business Administration District Office in Hagatna, Guam, for his continued hard work to provide important services to assist small businesses on Guam to grow and thrive. I want to wish Mr. Lujan and the entire SBA office on Guam a happy 50th birthday.

Mr. Speaker, 90 percent of businesses on Guam are small operations. I guess you could call Guam the SBA community of the United States. I am grateful for the continued hard work and the innovation of our island's entrepreneurs, which help grow and enhance the economy on Guam, as well as provide jobs.

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In particular, I want to congratulate Mr. John Shen for being selected as the Small Businessman of the Year on Guam. Mr. Shen is the owner of Shen's Corporation, which operates Prestige Automobiles on Guam. Mr. Shen was born in Taiwan, but immigrated to Guam in 1979. Mr. Shen and his wife started several small business operations before the opportunity presented itself for Mr. Shen to acquire the local BMW dealership on Guam in 1991. He worked diligently to pull the company out of financial distress and has turned Prestige Automobiles into a strong and profitable small enterprise. In a time when Guam is experiencing the effects of 20 percent unemployment, Mr. Shen serves as an example of how hard work, innovation, and commitment to small enterprise can overcome serious obstacles.

As we celebrate the 50th anniversary of the SBA, let us not forget our responsibilities as legislators to create an environment where people like Mr. Shen can, with hard work, realize his dreams. Let us reaffirm our commitment in assisting our Nation's entrepreneurs so that they may too live the great American Dream.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought there could not be a better matching of two legislative initiatives that we have had the opportunity to speak on today, and that is

the 40th anniversary of the March on Washington and the honoring and recognition of the anniversary, the 50th anniversary of the Small Business Administration, and particularly recognizing Small Business Week.

I first want to acknowledge the work of the Committee on Small Business of this House and to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for the cooperative, singular spirit that they have on the issue of improving and promoting small businesses in the United States of America. Clearly, I believe, their very cooperative work has been an example of the very fine committee work that all of us admire, and that is, the purpose is to ensure that our small businesses are successful and they work very effectively, both the gentleman from Illinois (Mr. MANZULLO) and his emphasis on buying American and, as well, the insight he has given to the idea of the loss of manufacturing jobs and the need to restore them. And the gentlewoman from New York (Ms. VELÁZQUEZ) has been enormously effective in ensuring that all government agencies and all contracts between the United States and the private sector have as a component small businesses, women-owned businesses, and minority-owned businesses. I collectively thank both of them for their effort and this tribute and this anniversary should be a reflection on their good works.

I do want to also acknowledge the good works of our Small Business Administration regional centers all over the Nation by tribute to all of them who take a special opportunity to work with and to help our small businesses. Likewise, I would say that it is very important to note the regional director, Milton Wilson, who heads the office in Houston, Texas.

The reason why I believe that the tribute to the Small Business Administration's 50th year anniversary and the March on Washington have a lot in common is because there is work undone. I pay tribute to those who were brave enough to go to Washington in 1963 to lead not just the 250,000 plus, but to lead the Nation for a more equal and just community. A. Philip Randolph, Roy Wilkins, Whitney Young, James Farmer, the gentleman from Georgia (Mr. LEWIS), and Martin Luther King understood that unless we lifted all boats, no boats would be lifted. They promoted equality and justice among all, irrespective of religion and race.

The Small Business Administration promotes small business, recognizing that they are in fact the backbone of America, including small businesses, minority-owned businesses, and women-owned businesses. I believe that we have a lot of work undone, Mr. Speaker. We need to provide more tax incentives for small businesses, and certainly we must consider the fact that they need to have more training and opportunity to work with the government.

Finally, I would say there is no doubt that as it relates to the cause of civil rights, there is much work to be done; and I hope this Congress will rise to the occasion and ensure that there are equal rights for all. My congratulations to the Small Business Administration and to the brave souls who marched on Washington in 1963.

Mr. MANZULLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would just like to thank the author of this resolution and also staffer Patrick Wilson for taking the lead on today's resolution.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, for the past 40 years the President has issued a proclamation calling for the celebration of Small Business Week. This year National Small Business Week runs from September 15th through the 20th. Since the founding of our country, small businesses have contributed immeasurably to our progress and economic strength.

Let us celebrate the entrepreneurial spirit in America during National Small Business Week. The approximately 23 million small businesses in the United States employ more than half of the country's private work force, create three of every four new jobs, and generate most of America's innovations. Small businesses are the backbone of this country and they are an enduring symbol of the American Dream.

For example, five years ago a young couple in my district had a dream to open a grocery store in the City of Whittier, California. Their vision for the store was to specialize in fresh, ready to prepare Hispanic foods in the historic district of Whittier. Country Fresh Market has found a niche in the grocery retail market that has posted double-digit gains from last year. Subsequently, on March 27th Country Fresh Market was featured on the Food Network in a nationally broadcast segment of ''Food Finds,'' hosted by Sandra Pinkney.

Country Fresh Market is a business success story, and they make many contributions to their local community, including the local Boys and Girls Club and YMCA's Annual Pancake Breakfast. Since its inception, Country Fresh Market has also had four employees graduate from college and helped many of its employees purchase homes. Country Fresh Market prides itself in its employees' success, because its employees are its ''familia'' (family).

Country Fresh Market is a true business success in my district. As a member of the small business community, I'm working to increase the SBA's microloan program from $35,000 to $50,000. By helping small businesses gain access to capital, I hope to bolster the number of small businesses that succeed each year.

Today, let us honor small businesses, like Country Fresh Market. By celebrating America's small businesses, we are keeping the American Dream alive and well for today, and for future generations.

Ms. MILLENDER-MCDONALD. Mr. Speaker, this week is National Small Business Week, and the Small Business Administration is celebrating its 50th Anniversary. I would like to congratulate the Small Business Administration, its employees and all of its resource partners on this truly momentous occasion.

Created by the passage of the Small Business Act in 1953 during the Eisenhower administration, the SBA was charged to ''aid, counsel, assist and protect'' the interest of small businesses in this nation.

Mr. Speaker, the SBA has made tremendous strides following its original mandate over the past half century. According to the agency, nearly 20 million small firms have received either direct or indirect assistance over the past fifty years.

Small businesses are the engine that drives our nation's economy, generating over half of the nation's Gross Domestic Product (GDP), and the SBA plays a key part in ensuring the engine remains strong and viable, especially in tough economic times.

There are currently about 23 million small businesses in the United States, which represents 99.7 percent of all private sector employers. Small businesses also generate 60 to 80 percent of net new jobs annually.

American small businesses are extremely diverse. Women owned small businesses generated $819 billion in revenues, and employed more than 7 million workers in 1997, the last year such data is available. In that same year, 5.8 percent of small businesses were owned by Hispanic Americans, 4.4 percent by Asian Americans, and 4 percent by African Americans.

Small businesses also made up 97 percent of all identified exporters and produced 29 percent of the known export value in fiscal year 2001.

As the Ranking Member of the Subcommittee on Tax, Finance and Exports, I am especially proud of the agency and its tireless efforts to help all small businesses.

Two weeks ago, I held a field hearing in my District, Long Beach, California, where a very distinguished group of panelists discussed the importance of small businesses to not only southern California but to the nation as well.

I was pleased to learn during the course of that hearing that the SBA Los Angeles District Office is the number one business lending office in the United States. Over the past three years, the office has provided $128 million in financing to 381 businesses in my home District.

I am sure that there are many more success stories nationwide about the hard work the SBA does on behalf of our nation's entrepreneurs, and I am sure that the SBA will be helping small businesses in their efforts to keep our economy strong for years to come.

Congratulations on 50 years of service to our small businesses.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and agree to the resolution, H. Res. 368.

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

A motion to reconsider was laid on the table.

MUSEUM AND LIBRARY SERVICES ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Museum and Library Services Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.
Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National children's museum.
Sec. 503. Conforming amendment.
Sec. 504. Technical corrections.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

''(3) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is—

''(A) not reviewed by any other court that has authority to review such judgment; or

''(B) not reviewable by any other court.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(5) by adding at the end the following:

''(6) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.

''(7) OBSCENE.—The term 'obscene' means, with respect to a project, that—

''(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

''(B) such project depicts or describes sexual conduct in a patently offensive way; and

''(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.''.

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.''.

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: ''Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).''; and

(2) by adding at the end the following:

''(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.

''(g) APPLICATION PROCEDURES.—

''(1) IN GENERAL.—In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

''(2) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

''(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

''(A) IN GENERAL.—The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

''(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.

''(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.''.

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

''SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

''(a) ESTABLISHMENT.—There is established within the Institute a board to be known as the 'National Museum and Library Services Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

''(A) The Director.

''(B) The Deputy Director for the Office of Library Services.

''(C) The Deputy Director for the Office of Museum Services.

''(D) The Chairman of the National Commission on Libraries and Information Science.

''(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

''(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

''(2) SPECIAL QUALIFICATIONS.—

''(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

''(i) 5 shall be professional librarians or information specialists, of whom—

''(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

''(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

''(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

''(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

''(i) 5 shall be museum professionals who are or have been affiliated with—

''(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

''(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

''(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

''(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

''(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

''(c) TERMS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the

Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

''(2) INITIAL BOARD APPOINTMENTS.—

''(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

''(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

''(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

''(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

''(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

''(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

''(d) DUTIES AND POWERS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

''(2) NATIONAL AWARDS.—The Museum and Library Services Board shall advise the Director in making awards under section 209.

''(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

''(f) MEETINGS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

''(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

''(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

''(h) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

''(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board 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.

''(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.''.

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

''SEC. 209. AWARDS.

''The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

''SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

''From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

''(1) shall be conducted in ongoing consultation with—

''(A) State library administrative agencies;

''(B) State, regional, and national library and museum organizations; and

''(C) other relevant agencies and organizations;

''(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

''(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

''(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

''SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.

''No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.''.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

''(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

''(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

''(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.''.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) in subsection (c), by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

''(3) MINIMUM ALLOTMENTS.—

''(A) IN GENERAL.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(B) RATABLE REDUCTIONS.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

''(C) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

''(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

''(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

''(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

''(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive

basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(iii) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.''.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking ''not later than April 1, 1997.'' and inserting ''once every 5 years, as determined by the Director.''; and

(2) in subsection (f)—

(A) by striking ''this Act'' each place such term appears and inserting ''this subtitle'';

(B) in paragraph (1)—

(i) by striking ''section 213(2)(A) or (B)'' and inserting ''section 213(1)(A) or (B)''; and

(ii) by striking ''1934,'' and all that follows through ''Act, may'' and inserting ''1934 (47 U.S.C. 254(h)(6)) may''; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking ''section:'' and inserting ''subsection:''; and

(ii) in subparagraph (D), by striking ''given'' and inserting ''applicable to''.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

''(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

''(3) providing electronic and other linkages among and between all types of libraries;

''(4) developing public and private partnerships with other agencies and community-based organizations;

''(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

''(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''; and

(2) in subsection (b), by striking ''between the two purposes described in paragraphs (1) and (2) of such subsection,'' and inserting ''among such purposes,''.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking ''education and training'' and inserting ''education, recruitment, and training''.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

''SEC. 271. PURPOSE.

''It is the purpose of this subtitle—

''(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

''(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

''(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

''(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

''(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

''(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.''.

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: ''Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.''.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

''SEC. 273. MUSEUM SERVICES ACTIVITIES.

''(a) IN GENERAL.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

''(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

''(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

''(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

''(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

''(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

''(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

''(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

''(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

''(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

''(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

''(b) FEDERAL SHARE.—

''(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

''(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

''(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

''(2) APPLICATIONS FOR TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

''(B) INDIVIDUAL MUSEUMS.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

''(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).''.

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176) is amended—

(1) in subsection (a), by striking ''$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.'' and inserting ''$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) by redesignating such section as section 275 of such Act.

SEC. 306. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating sections 271, 272, and 273 as sections 272, 273, and 274, respectively; and

(2) by inserting after the subtitle heading the following:

''SEC. 271. SHORT TITLE.

''This subtitle may be cited as the 'Museum Services Act'.''.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking ''accept, hold, administer, and utilize gifts, bequests, and devises of property,'' and inserting ''solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,''.

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking ''and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly'';

(2) by striking the fourth sentence and inserting the following: ''A majority of members of the

Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission''; and

(3) in the fifth sentence, by striking ''five years, except that'' and all that follows through the period and inserting ''five years, except that—

''(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

''(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking ''$5,000,000,000'' and inserting ''$8,000,000,000'';

(2) in subsection (c), by striking ''$500,000,000'' and inserting ''$600,000,000''; and

(3) in subsection (d)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by striking paragraph (7) and inserting the following:

''(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

''(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.''.

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) DESIGNATION.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the ''National Children's Museum''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking ''section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)'' and inserting ''section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))''.

SEC. 504. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

''TITLE II—MUSEUM AND LIBRARY SERVICES''.

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

''Subtitle A—General Provisions''.

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

''Subtitle B—Library Services and Technology''.

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

''Subtitle C—Museum Services''.

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking ''property of services'' and inserting ''property or services''.

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking ''and'' at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking ''cooperative agreements, with,'' and inserting ''cooperative agreements with,''.

SEC. 505. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 203, 204, and 305 of this Act shall take effect on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. 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. 13.

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

There was no objection.

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

Mr. Speaker, H.R. 13, the Museum and Library Services Act of 2003, authorizes Federal assistance to museums and libraries through fiscal year 2009. The bill before the House today maintains the modest, but essential, Federal support for museums and libraries; encourages model cooperation between museums and libraries; and authorizes funds for the one Federal agency, the Institute of Museum and Library Services, devoted exclusively to museums and libraries.

Last Congress, the Committee on Education and the Workforce reported a bipartisan authorization bill that had 94 cosponsors. It was supported by the administration, and it was endorsed by the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. To complete our work from last Congress, at the start of this year I introduced H.R. 13, the Museum and Library Services Act of 2003. This year's bill has 126 cosponsors and makes several modifications to current law to streamline and strengthen museum and library services and builds on the bipartisan progress made by the committee during the 107th Congress.

In March, the House overwhelmingly passed H.R. 13 by a vote of 416 to 2. Since then, we have been working with the Senate to reach agreement on a consensus reauthorization bill that we could get to the President as quickly as possible. Today, the House will consider that consensus bill, which passed the Senate by unanimous consent on August 1, 2003.

Generally, this legislation authorizes the Federal Library and Museums program under the Institute of Museum and Library Services. More specifically, the bipartisan, bicameral version of the Museum and Library Services Act prohibits projects that are determined to be obscene from receiving funding; ensures that library activities are coordinated with activities under the No Child Left Behind Act of 2001; consolidates museum and library advisory board activities under a single statute; and ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services to identify needs and trends of services provided under funded programs.

In addition, H.R. 13 contains provisions to increase indemnity caps under the Arts and Artifacts Indemnity Act. These changes to the Arts and Artifacts Indemnity Act are designed to better facilitate the international exchange between museum exhibitions in light of increased commercial insurance costs for international museum exhibitions since September 11, 2001.

The Library and Services and Technology subtitle of this legislation is the only Federal program solely devoted to supporting libraries and will assist libraries in providing crucial services to the communities they serve. Throughout our Nation, libraries are at the forefront of reading and family literacy programs. Additionally, libraries serve as essential links to the business community, assisting with job creation, training programs, and business development initiatives. They are also critical for many people with disabilities, providing them with specialized materials and resources that are obtainable in a single location. For older Americans, libraries provide a place to interact with others, use the Internet, and receive services. For those persons of limited resources or who live in remote areas, libraries provide access to books and reference materials, computers and the Internet and community-based social services that are often available nowhere else.

The Museum Services subtitle of this legislation supports museums and their educational role and assists museums in modernizing their methods and facilities so that they are better able to conserve the cultural, historic, and scientific heritage of the United States. Museums play an important role in the education of people of all ages. Many American museums provide K through

12 educational programming, with most using local and State curriculum standards to shape their programs. Additionally, museums increasingly partner with libraries to offer joint educational opportunities for adults as well as children.

The Museum and Library Services Act of 2003 makes commonsense reforms to authorize museum and library activities. This consensus bill includes provisions important to Republicans and Democrats in both the House and the Senate.

We have worked hard to ensure that views from all interested parties were considered as we crafted our compromise. I would like to thank all of those who participated in this process, which actually began in the last Congress, including the ranking Democrat on the subcommittee, the gentleman from Texas (Mr. HINOJOSA). I thank him again for his support in getting us to the point where we are today. The Institute of Museum and Library Services, the American Library Association, and the Chief Officers of State Library Agencies and the American Association of Museums, they deserve a great deal of credit for the bipartisan bill that is before us today.

I would also like to thank the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee, and the gentleman from Ohio (Mr. BOEHNER), the chairman of the full committee, for their support of this legislation, and also to the committee staff on both the minority and majority side in both the House and the Senate that did a tremendous amount of work to get this bill to the floor today.

Today will complete the work on the Museum and Library Services Act. This bill will go to the President; and once it is signed into law, we can ensure that our Nation's museums and libraries are getting the best assistance we are able to provide from the Federal level.

Mr. Speaker, I urge my colleagues to support H.R. 13, the Museum and Library Services Act of 2003.

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

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

Mr. Speaker, I rise in strong support of H.R. 13, the Museum and Library Services Act of 2003. I would like to say to the over 117,000 libraries and to more than 16,000 museums nationwide, you have a real friend and champion in the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education. I also commend the chairman and the ranking member of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their leadership in producing this bipartisan legislation. This bill not only has strong bipartisan support, it also has broad support from the library and the museum community throughout the country.

I am proud that with this bill we are reaffirming our national commitment to the institutions that provide access to information and technology for many in our community who would not otherwise have access to this wealth of information. Through this legislation, we are demonstrating to the Nation that we value the key institutions that preserve and promote our cultural heritage.

The Museum and Library Services Act strengthens the Federal support for museum and library programs. It reauthorizes the Library Services and Technology Act, raising the authorization level to $232 million and increasing the minimum State allotment to $680,000.

□ 1630

These grants can be used for expanding services, for learning and access to informational and educational resources in a variety of formats, for providing electronic and other linkages among and between all types of libraries and for targeting services to people of diverse geographic, cultural and socio-economic backgrounds.

This legislation also reauthorizes the Museum Services Act to encourage and support museums in carrying out their public service, educational and leadership roles as stewards of the cultural, historic, natural and scientific heritage of the United States of America. This part of the legislation increased the authorization of this important program to $38.6 million for fiscal year 2004.

Mr. Speaker, in my congressional district this program has provided invaluable support to the International Museum of Art and Sciences in my McAllen, as well as to the Donna Hooks Fletcher Historical Museum in Donna; and there are many others that have benefitted as well. As a result of this program these museums will strengthen their conservation programs and increase their base of support in their community.

Also, H.R. 13 incorporates the Arts and Artifacts Indemnity Act introduced by my good friend and colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM). This act increases the indemnity coverage to $600 million per exhibition. I thank the gentlewoman from Minnesota for her work on this important issue.

Finally, I would like to commend the committee staff for their excellent work on this bill. In particular, I commend Rich Stombres and Rebecca Hunt of the majority staff for their efforts on this bill. I also wish to applaud the hard work of our Democratic committee staff, Ricardo Martinez and Cheryl Johnson. This was a job well done.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER), the former Official State Historian of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in support today of H.R. 13, the Museum and Library Services Act. I would like to thank my distinguished colleague and friend, the gentleman from Michigan (Mr. HOEKSTRA) for introducing this legislation. His leadership on education issues has been instrumental, quite frankly, in preparing our Nation's youth for their future and for ensuring a high quality of life in our communities.

As a cosponsor of H.R. 13, I urge my colleagues to pass this very important legislation. The Museum and Library Services Act does more than simply authorize funds. It improves the efficiency and delivery of the services that libraries and museums supply to facilitate access to important resources such as reference materials, classical literature and the Internet also.

In addition, this legislation coordinates services offered by libraries and museums so they can match these goals outlined in No Child Left Behind. By giving these great institutions the tools they need to maximize their impact on schools and communities, this House can confirm its commitment to ensure that, indeed, no child is left behind.

The effect of libraries and museums on education cannot be overlooked, but we must also examine the role these institutions play in improving the quality of life of the communities that they serve. Libraries and museums are cultural centers and meeting places for friends and for families. They are foundations of learning and of entertainment. We must support these institutions so that they can continue to support our community.

Mr. Speaker, I found it imperative that I speak today on H.R. 13. As my distinguished colleague had mentioned, as Michigan's former Secretary of State, actually part of my responsibilities for 7 years was serving as Official Historian of the great State of Michigan and the department I oversaw had jurisdiction, of course, over the Michigan Historical Center. This center is truly one of the greatest cultural assets in our State, and so I have first-hand knowledge of the great work of our State's libraries and of our museums, and with the passage of H.R. 13, these institutions will be able to continue their great work.

In October of this year, the Clinton-Macomb Public Library will be dedicating its new main library back in my home County of Macomb. This facility will be the largest library in Macomb County and actually will be the seventh largest library building in our great State of Michigan.

The services of this new state-of-the-art library, some that they will provide, are simply remarkable. Not only will it have the newest technology that is available, but the library will enact a 24-hour delivery system. This will actually be the first of its kind in the world. Additionally, its automated sorting will be only one of 10 in the United States.

The Clinton-Macomb Public Library will be more than a collection of books or microfilm, its children services have been designed to meet the literacy needs of our children with a strong focus on pre-schoolers. The new library will include learning centers for children and there will be computers with educational software designed to inspire learning in young children.

In addition, new technology will be available to all library users regardless of age. The construction of this library is truly a great thing. With the advent of the Internet many believed that libraries would be a thing of the past. The Clinton-Macomb Public Library is proof positive that this is not true. Instead, the demands for services provided by libraries has absolutely exploded. It has expanded. The libraries and museums are often on the cutting edge in utilization of technology as a tool for customer service.

Mr. Speaker, this legislation is good government. It supports the institutions that positively affect the lives of our citizens, and in a time when our children are exposed to so many things that are negative, libraries and museums offer services and resources that help our children grow and learn.

I was proud to cosponsor this bill. I was proud to vote in favor of this bill in March of this year, and I am certainly proud to speak in favor of the bill today.

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

Mr. Speaker, as we approach the end of this debate on H.R. 13, I wish to commend my friend and colleague, the chairman of our Subcommittee on Select Education of the Committee on Education and the Workforce, the gentleman from Michigan (Mr. HOEKSTRA), for the work that we have been able to do in our committee in a bipartisan manner. I look forward to working on many other bills that he and I have discussed as we move along this year and go into the second half on the 108th Congress.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the full committee.

Mr. BOEHNER. Mr. Speaker, I thank the Members on both sides of the aisle for the good work that has been done on this bill.

This year millions of Americans will visit a museum in America and millions more will visit their local library for books and other community services.

Libraries and museums play a vital role in educating our children and in promoting our communities. Throughout our Nation libraries are at the forefront of reading and family literacy programs. Libraries are critical to many people with disabilities, providing them with specialized materials and resources that are obtainable in a single accessible location.

For those of limited financial resources or who live in remote areas, libraries provide access available nowhere else to books and reference materials, computer services and other community-based services.

Museums across the country work with our local schools to provide K through 12 educational programming. They are an important source of cultural and historical knowledge, helping to promote learning about the history and traditions of our country and other nations around the world. In addition, museums serve as places where people of different backgrounds come together to share information about history, culture, and civilization.

In the last Congress, the gentleman from Michigan (Mr. HOEKSTRA) worked in a bipartisan manner to report the Museum and Library Services Act of 2002 and he worked very closely with the gentleman from Texas (Mr. HINOJOSA). In this Congress, these gentlemen continued to author H.R. 13, the Museum and Library Services Act of 2003, that passed the House by a vote of 416 to 2, and that happened earlier this year.

Since then the two gentlemen have been working with the Senate on a bipartisan compromise bill that has the support of the Bush administration and has been endorsed by the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. The Senate passed that compromise bill by unanimous consent on August 1 of this year.

I just want to commend both the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) and the staff on both sides of the aisle for all of the work that they have put into this very important piece of legislation.

This legislation before us today funds the Institute of Museum and Library Services, a Federal agency devoted exclusively to museums and libraries which partner with our Nation's schools. It consolidates the Museum and Library Board activities to reduce unnecessary paperwork and duplication and prohibits projects that are determined to be obscene from receiving funding.

In addition, the reauthorization of the Museum and Library Services Act is an important next step in ensuring that the President's education reforms signed into law last year are properly implemented. The bill requires that all library activities are coordinated with activities under the No Child Left Behind Act, President Bush's landmark education reform legislation.

Let me also thank my good friend and colleague, the ranking Democrat on our committee, the gentleman from California (Mr. MILLER), for his support of this bill as we moved it through committee and as we have gotten agreement with our colleagues in the other body. I think all of the Members on both sides of the aisle under the leadership of the gentleman from Michigan (Mr. HOEKSTRA) have an done an outstanding job in bringing us to this point. I want to congratulate them on their efforts.

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

Mr. Speaker, I thank the gentleman for his kind words. We have had a very successful year in the full committee. We are glad to contribute a bill that also has now made it through the committee.

I would like to recognize one of our colleagues on the minority side who is not here but who is the only librarian in Congress, the gentleman from New York (Mr. OWENS), for the assistance that he has provided in putting this bill together. I know he has been very interested in what we have been doing and has helped craft this final bill based on the background and the experience that he has had.

I thank the gentleman from Texas (Mr. HINOJOSA) for his help, and I look forward to working together with him on other pieces of legislation.

Mr. GIBBONS. Mr. Speaker, I rise today to express my great support for H.R. 13, the Museum and Library Services Act of 2003. This compromise bill will provide libraries, throughout our nation with an additional $232 million in funding.

Libraries are at the forefront of promoting our reading and family literacy efforts. This additional funding will allow libraries to maintain their traditional commitment to educating all Americans, young and old, while also furthering their work to keep pace with the development of technology by adding electronic media and new computers.

This bill will also greatly benefit our museums, which showcase our heritage, art, and accomplishments. This year, more than 865 million people will visit a museum in America. Similarly, millions of students will check out their first book from their local library, and millions of families will gather for community literacy and learning programs. The role of libraries and museums in American society is critical.

I personally remember my hometown library and my hometown librarian, Marther Gould, who now serves on the National Commission on Libraries and Information Science. She stands as a stalwart supporter of our library system and works diligently to ensure that they keep up with 21st century technology.

I urge all of my colleagues to support H.R. 13, so it can be signed into law to ensure that our libraries and museums can continue to serve our nation and future generations of Americans.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support for H.R. 13, legislation to reauthorize the Museum and Library Services Act.

I want to thank my colleagues, Mr. HOEKSTRA, from Michigan, and Mr. HINOJOSA, from Texas, for their efforts on behalf of our nation's museums and libraries.

As a former teacher, I have witnessed firsthand the power of libraries.

Libraries in my district and across the Nation offer citizens the tools they need to stay informed, keep in touch with people far and wide, and be an active part of this community

and world. They are critical to our efforts to educate our citizens.

In my own district, thanks to the help of thousands of volunteers and donors, the main branch of the Kansas City library will soon open a state of the art facility in the newly renovated First National Bank Building located in downtown Kansas City. When it opens in the spring of 2004, the new library will feature expanded community meeting spaces, 107 more networked public computers, and 110 network ports for public use. In addition to its historical preservation, what is especially exciting about this project is the amount of public-private collaboration that has gone into the process. And that is what this bill today is all about.

The Institute for Museum and Library Services has been a model for collaboration between the Federal government and local communities and libraries. Since its inception in 1996, IMLS has provided more than $16.7 million to support library and museum activities in Missouri. The Kansas City Public Library has received considerable support, and the Nelson-Atkins Museum of Art has also benefited from IMLS funding. The Museum and Library Services Act has made a difference in libraries and communities all over America and this reauthorization will help us continue that legacy.

Since this legislation was first passed in 1996, our nation has continued to lead the digital revolution. The Internet, e-mail, and wireless technologies have transformed the way we work and communicate. Unfortunately, many Americans are cut off from the jobs and economic benefits that these amazing technological advances offer.

Libraries are an important part of our efforts to bridge this divide. They offer networked public computers, access to the Internet, and personalized assistance. Today's legislation will provide funding for local communities to improve and expand these efforts.

Mr. Speaker, all of us agree that our libraries and museums are an integral part of our communities. Unfortunately, in these tough economic times, these vital community resources are often slated for funding cuts. The legislation we approve today offers a helping hand. I urge my colleagues to support this bill.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 13, the Museum and Library Services Act, which will reauthorize the library and museums program under the Institute of Museum and Library Services. The role our libraries and museums play in educating our students, adults and families is incomparable. The lifetime learning encouraged by libraries and museums across the country is something we should all support.

I am particularly pleased that H.R. 13 raises the minimum State allotment. For smaller States like Delaware, this makes a huge impact. For example, with assistance from The Institute of Museum and Library Services, Delaware was able to set the model for evolving with growing technologies. Since 1996, DelAWARE, the Digital Library of the First State, has provided online information and services to all citizens with a library card. Delaware was also the first state to provide access for all its citizens to thousands of newspapers and periodicals in public libraries and remote access.

The support for libraries in Delaware is seen across the country. There are more than 117,000 libraries in the United States, including public libraries and libraries in schools, colleges and universities, hospitals, law firms, businesses, the armed forces and more. In fact, a recent study found that the majority of Americans felt libraries play a unique role because they provide access to everything on the Web or in print, as well as personal service and assistance in finding it.

The Institute for Museum and Library Services offers unique and vital educational services to all Americans. By funding libraries and museums, we improve access to information, improve care of collections and enhance community service.

With the growing momentum and implementation of No Child Left Behind, I encourage my colleagues to recognize museums and libraries as supporting players in helping our young students and engaging their families.

Mr. HOEKSTRA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 13.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1836

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 36 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, CHARITABLE GIVING ACT OF 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–273) on the resolution (H. Res. 370) providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Mr. RYAN of Ohio. Mr. Speaker, subject to rule XXII clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of 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 notice will appear in the RECORD.

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 the motion to go to conference on H.R. 2657, 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.

APPOINTMENT OF CONFEREES ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the House bill and the Senate amendments, except for title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. KINGSTON, LAHOOD, TIAHRT, CULBERSON, KIRK, YOUNG of Florida, MORAN of Virginia, PRICE of North Carolina, CLYBURN and OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. YOUNG of Florida, TAYLOR of North Carolina and OBEY.

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, SEPTEMBER 18, 2003, TO FILE CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight, September 18, 2003, to file a conference report on the bill (H.R. 2657) making appropriations for the Legislative Branch 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.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2658 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this vote will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 352, by the yeas and nays, and a 15-minute vote on the motion to suspend the rules and pass S. 678 by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 503]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Carson (OK)
Conyers
Cubin
Deutsch
Fattah
Gephardt
Green (TX)
Pickering
Rohrabacher
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1859

So the motion was agreed to.

The result of vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GREEN of Texas. Mr. Speaker, I was unavoidably detained on rollcall vote 503 on H.R. 2658, the motion to close the conference. Had I been present, I would have voted ''aye.''

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 28, 1963

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 504]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus

Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
DeLay
Deutsch
Fattah
Gephardt
Pickering
Rohrabacher
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1908

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POSTMASTERS EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 678.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the Senate bill, S. 678, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 505]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman

Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Deutsch
Fattah
Ford
Gephardt
Miller, George
Pickering
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1929

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall votes No. 503, No. 504, and No. 505. Had I been present, I would have voted "yea" on all of these votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2038

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. KIND) be removed as a cosponsor of H.R. 2038.

The SPEAKER pro tempore (Mr. KLINE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1930

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2225

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to have my name removed as a sponsor of H.R. 2225.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. RODRIGUEZ. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1588, the National Defense Authorization Act for fiscal year 2004.

The form of the motion is as follows:

Mr. RODRIGUEZ moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in subtitle F of title VI of the Senate amendment (relating to naturalization and family protection for military members).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. STENHOLM. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. Stenholm of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

HOLDING UP THE VALUES AND VIRTUES OF YALE UNIVERSITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Speaker, most times when a Member goes to the floor to speak about their alma mater, they are raising up the flag of joy and promoting some football contest or sports contest and rooting their friends and fellow classmates on.

Today, I rise as alumnus of Yale University to ask them to uphold the values and virtues of our dear and beloved school, and that is equality and humanitarian service and respect for all.

Since being a student at Yale, one of the first women, we have encountered

this conflict between worker and university; 10,000 people gathered on the square in New Haven just last weekend.

It is time for the president of Yale University to uphold the values of the school and respect the working people who work there, the dining hall workers, the janitors, provide for arbitration, binding arbitration, and settle this matter.

Stop embarrassing the thousands upon thousands of Yale graduates, who every day go out and work to make life better for those who cannot work or improve their own lives. It is an unfortunate and disgraceful act, that we are continuing to undermine those who come to work every day to help students learn and be the best that they can be.

I say to the president of Yale University, settle this matter, and stop embarrassing those of us who believe that Yale has the greatest calling, to educate people who will serve not only the Nation, but save the world.

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 CONNECTION BETWEEN THIMEROSAL AND NEURODEVELOPMENTAL DISORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for the past 2 or 3 years, I have held hearings on the issue of autism in America. We used to have one out of 10,000 children that were autistic. That is where they will not focus on things, they will not talk, they yell, they stamp their feet, they have chronic diarrhea and constipation, they have all kinds of physical problems; and their parents lose either complete control over them or they cannot communicate with them, and it hurts these children for the rest of their lives, and ultimately they are going to be a burden on the taxpayers of this country.

It used to be one out of 10,000. Now it is one out of 150. We have an absolute epidemic of autism in America.

Many scientists who appeared before my committee believe and have substantial evidence that the mercury that is in vaccinations is a major contributing cause of this autism.

It used to be you only got one or two vaccinations. When I was a kid, if you had measles or mumps or anything like that, they would quarantine the house. Now they give vaccinations for all of that, and these vaccinations can contain a substance called Thimerosal. Thimerosal is 50 percent mercury, and children who are going to school get as many as 25 to 30 vaccinations before the school will let them enter the front door.

The mercury has a cumulative effect. Once it gets in the brain, it starts destroying brain tissue and causes all kinds of neurological problems including autism. Yet the Food and Drug Administration has never, ever tested Thimerosal. It is used as a preservative. It is 50 percent mercury, they have never tested it, and yet it has been in vaccines for years.

We fought with them and our health agencies for some time to get that out of these children's vaccines, and they said they would do it. So this last week I wrote a letter to the head of the Department of Health and Human Services, Tommy Thompson, the Secretary of HHS; and I asked him to give me a list of those vaccinations that still contain mercury, Thimerosal. We found that 20 of the 43 vaccinations that are manufactured here in the United States still contain mercury. People are still having that injected into their bodies, adults as well as children.

Three or four of the major vaccinations that children get still have mercury in them, and vaccinations that have not been used, the serum that has not been used that is still on shelves in many of the doctors' offices, predate the dates they started taking mercury out of the children's vaccinations. So the FDA has not ordered them to take the mercury out, nor did the FDA notify doctors that Thimerosal-free vaccinations were preferred and that pediatricians should take the mercury out of their stocks of vaccines.

Recently, I wrote to the Secretary of HHS. I got the list. Twenty of the 43 currently manufactured vaccines in the U.S. still contain mercury, still are poisoning our children and adults. Our troops over in the Persian Gulf and Iraq were getting as many as 11 shots in one day, and most of those contain Thimerosal-mercury.

We have a rise in Alzheimer's as well, an epidemic of that; and I believe that that, in large part, is caused by the neurologically damaging mercury that is in vaccines.

Anyhow, HHS is still allowing vaccinations containing mercury to be given to children, such as the flu vaccine given to children 6 years old down to age 23 months. Hepatitis B, diphtheria, and tetanus still contain Thimerosal. Those are being given to children. Those lots that are still on the shelves that contain mercury are still being given to children. The Food and Drug Administration is not doing anything about it, and everybody in this country ought to be raising cain, not just because their children have not been damaged, but because all of those children who are being damaged are going to be a burden in one way or another on the taxpayers of this country, and it is going to cost us literally trillions of dollars if this is not stopped.

We have to do everything we can to hold HHS and the vaccine manufacturers' feet to the fire to get mercury out of vaccinations. Mercury is a toxic substance. It is toxic to the brain. It hurts neurologically anybody that has it injected into them. Yet they are still using it as a preservative. This is something that has to end.

These are the faces of children who have been damaged, just a small number of them; and we have got to do something about that. How would you like to have a child, like my grandson, who got nine shots in one day, seven of which contained mercury, and two days later he became autistic, a perfectly normal child.

These are things that cannot and must not be tolerated. We need to do everything we can to put all the pressure we can on our Health and Human Services agencies, FDA, CDC, and all the rest. Our Secretary of HHS, Tommy Thompson, who is a fine man, needs to pay attention to this and get this mercury out of these vaccinations as quickly as possible. It is hurting us all; not just the children, but the adults as well.

Scientific evidence continues to accumulate regarding the biologically plausible connection between mercury containing Thimerosal in vaccines, autism and other neurodevelopment disorders.

As a result, many parents have become understandably concerned about the safety of childhood vaccines.

And they should be considering that Thimerosal is 50 percent mercury by weight and mercury is one of the most toxic substances on the planet.

Even though the FDA asked vaccine manufacturers to remove Thimerosal from vaccines in 1999, they did not order them to do so.

Nor did FDA notify doctors that Thimerosal-free vaccines were preferred nor did they recommend that pediatricians remove Thimerosal vaccines from their stocks.

Recently, I asked the Secretary of HHS, Tommy Thompson and the FDA Commissioner, Dr. Mark McClellan to provide me with a list of all commercially available vaccines, including routinely prescribed pediatric vaccines, which currently contain Thimerosal.

Although they both assured me that none of the routinely recommended pediatric vaccines contain Thimerosal as an additive, 20 of the 43 currently manufactured and U.S. licensed vaccines still contain this dangerous substance.

FDA says it recognizes and supports the Public Health Services goal of reducing exposure to mercury.

If this is so, then they have to do more to ensure that all 43 vaccines currently manufactured and licensed in the United States are free of Thimerosal.

The most shocking example of a vaccine that still contains Thimerosal is the Influenza vaccine, commonly known as the Flu Shot, which is given to millions of Americans every year, adults and children alike.

In fact, last year, the President of the American Academy of Pediatrics issued a statement saying that the Academy encourages that the flu vaccine be given to all healthy children aged 6–23 months.

The harm that mercury could potentially inflict on such children is incalculable.

In addition, commonly administered vaccines such as the Hepatitis B, and the Diphtheria and Tetanus shot still contain Thimerosal.

In closing, I would like to enter into the RECORD a letter from the FDA Commissioner dated September 11, 2003, listing all of the Thimerosal containing vaccines.

I urge all Americans to contact the FDA to obtain this information to ensure that the vaccines that you and your children are getting are as safe as possible.

I strongly urge the FDA to finally eliminate this dangerous preservative from all vaccines and destroy any remaining stocks of Thimerosal containing vaccines in the interest of public safety.

DEPARTMENT OF HEALTH & HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION,

Rockville, MD, September 11, 2003.

Hon. DAN BURTON,

Chairman, Subcommittee on Wellness and Human Rights, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your letter of July 30, 2003 in which you requested that the Food and Drug Administration (FDA or Agency) provide you with a list of all commercially available vaccines, including routinely prescribed pediatric vaccines that currently contain thimerosal.

The enclosed table provides the information you requested. In an effort to keep the public advised on this issue, we have posed this information on our FDA website since 2001 at: www.fda.gov/cber/vaccine/thimerosal.htm. We have been updating the website as new information becomes available.

We wish to assure you that FDA is committed to help ensure the safety and effectiveness of all vaccines. Vaccines continue to prevent serious illness and death, and the benefits of vaccination continue to outweigh the risks. Furthermore, FDA does recognize and support the Public Health Services' goal of reducing exposure to mercury. At this time, none of the routinely recommended pediatric vaccines (for children 5 years of age or under) contain thimerosal as a preservative. The routinely recommended vaccines are: Haemophilus b Conjugate Vaccine (Hib), Inactivated Polivirus Vaccine (IPV), Diphtheria and Tetanus Toxoids and Acellular Pertussis Vaccine (DTaP), Hepatitis B Vaccine (HepB), Measles, Mumps and Rubella Virus Vaccine (MMR), Varicella Vaccine, and the Pneumococtal Conjugate Vaccine.

Thank you again for your continued interest in the safety of vaccines. If you have further questions, please let us know.

Sincerely,

MARK B. MCCLELLAN, M.D., PHD.,

Commissioner of Food and Drugs.

TABLE.—THIMEROSAL AND EXPANDED LIST OF VACCINES

[Thimerosal content in currently manufactured U.S. licensed vaccines]

Vaccine/trade name	Manufacturer	Thimerosal concentration [1]	Mercury
Anthrax: Anthrax vaccine	BioPort Corporation	0	0
DtaP:			
Tripedia [2]	Aventis Pasteur, Inc.	<0.0002%	<.05 μg/0.5 mL dose.
Infanrix	GlaxoSmithKline	0	0
Daptacel	Aventis Pasteur, Ltd.	0	0
DTaP-HepB-IPV: Pedlarix	GlaxoSmithKline	<0.000005%	<0.0125 μg/0.5 mL dose.
DT: No Trade Name	Aventis Pasteur, Inc.	<0.00012% (single dose)	<0.3 μg/0.5 mL dose.
		0.01% (multi-dose)	25 μg/0.5 mL dose.
	Aventis Pasteur, Ltd.	0.01%	25 μg/0.5 mL dose.
Td:			
No Trade Name	Mass Public Health	0.0033%	8.3 μg/0.5 mL dose.
	Aventis Pastuer Inc.	0.01%	25 μg/0.5 mL dose.
TT: No Trade Name	Aventis Pasteur Inc.	0.01%	25 μg/0.5 mL dose.
Hib:			
ActHIB/OmniHIB [3]	Aventis Pasteur, SA	0	0
HibTITER	Wyeth-Lederle	0	0
PedvaxHIB liquid	Merck	0	0
Hib/HepB: COMVAX [4]	Merck	0	0
Hepatitis B:			
Engerix-B	GlaxoSmithKline	<0.0002%	<0.5 μg/0.5 mL dose.
Recombivex HB [5]	Merck.		
Pediatric/adolescent		0	0
Adult (adolescent)		0	0
Adult (adolescent)		0.005%	25 μg/1.0 mL dose.
Dialysis		0.005%	25 μg/1.0 mL dose.
Hepatitis A:			
Havrix	GlaxoSmithKline	0	0
Vaqta	Merck	0	0
HepA/HepB: Twinrix	GlaxoSmithKline	<0.0002%	<1 μg/mL dose.
IPV:			
IPOL	Aventis Pasteur, SA	0	0
Poliovax	Aventis Pasteur, Ltd.	0	0
Influenza:			
Fluzone [6]	Aventis Pasteur, Inc.	0.01%	25 μg/0.5 mL dose.
Fluvirin	Evans	0.01%	24.5 μg/0.5 mL dose.
Fluzone (Preservative Free)	Aventis Pasteur, Inc.	≤0.0004%	≤1 μg/0.5 mL dose.
			≤0.5 μg/0.25 mL dose.
Fluvirin (Preservative Free)	Evans	<0.0004%	<1 μg/0.5 mL dose.
Influenza, live FluMist	Medimmune	0	0
Japanese Encephalitis [7]: JE-VAX	BIKEN	0.007%	35 μg/1.0 mL dose.
			17.5 μg/0.5 mL dose.
MMR: MMR–II	Merck	0	0
Meningococcal: Menomune A, C. AC and A/C/Y/W–135	Aventis Pasteur, Inc.	0.01% (multidose)	25 μg/dose.
		0 (single dose)	0
Pneumococcal:			
Prevnar (Pneumo Conjugate)	Lederie Laboratories	0	0
Pneumovax 23	Merck	0	0
Rabies:			
IMOVAX	Aventis Pasteur, Inc.	0	0
Rabavert	Chiron Behring	0	0
Typhoid Fever:			
Typhim Vi	Aventis Pasteur, Inc.	0	0
Typhoid Ty21a	Swiss Serum and Vaccine Institute	0	0
Varicella: Varivax	Merck	0	0
Yellow Fever: Y-F-Vax	Aventis Pasteur, Inc.	0	0

[1] Thimerosal is approximately 50% mercury (Hg) by weight. A 0.01% solution (1 part per 10,000) of thimerosal contains 50 μg of Hg per 1 ml dose or 25 μg of Hg per 0.5 mL dose.
[2] Aventis Pasteur's Tripedia may be used to reconstitute ActHib to form TriHIBit. TriHIBit is indicated for use in children 15 to 18 months of age.
[3] OmniHIB is manufactured by Aventis Pasteur but distributed by GlaxoSmithKline.
[4] COMVAX is not licensed for use under 6 weeks of age because of decreased response to the Hib component.
[5] Merck's Hepetitis B vaccine for adults (adolescents) is available in both preservative-free and thimerosal-containing presentations.
[6] Children under 3 years of age receive a half-dose of vaccine, i.e., 0.25 mL (12.5 μg mercury/dose.)
[7] JE-VAX is manufactured by BIKEN and distributed by Aventis Pasteur, Children 1 to 3 years of age receive a half-dose of vaccine, i.e., 0.5 mL (17.5 μg mercury/dose).

DISTURBING NEWS REGARDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, each morning these recent months we are awakened with the disturbing news that one, two, perhaps three, young Americans have been killed in Iraq.

□ 1945

Our tours of duty for the National Guard and for the Reserves are being extended with great complications for many small American communities, and certainly for many American families.

It was just back on March 16 that Vice President CHENEY declared to the Nation that the most important rationale for war with Iraq was the fact Iraq had all of these weapons of mass destruction. And I think as the weeks go by and as the lives of young Americans are lost, that more and more of our American families are asking: Why is it that each morning we hear that the body of another young American has been found, but we hear nothing about the location of any weapons of mass destruction? In fact, that term has almost been banned now from administration speeches justifying the war in Iraq.

So desperate is the administration to make the claim about weapons of mass destruction that incredibly, yesterday, Secretary of State Powell went to the scene of a horrific crime involving weapons of mass destruction in Iraq, but it was a crime that happened 15 years ago, in 1988; and no evidence was provided suggesting any weapons of mass destruction had been located that would justify the loss of the lives of our sons and daughters in Iraq.

Now, surely, with thousands of people being paid by American taxpayers at this very moment to comb Iraq for weapons of mass destruction, sooner or later they will find at least a trace. But an honest assessment of this whole weapons of mass destruction question requires asking whether this third-rate tyrant, Saddam Hussein, unable to effectively defend himself and his own family, really ever had the capability to pose an imminent threat to our families here in America. Meanwhile, Americans continue to do most all of the dying, and American taxpayers are asked to continue to do most all of the paying for the cost of this administration's war justified by weapons of mass destruction.

In view of this, more and more Americans are contacting us here in Congress about the weapons of mass destruction question. Many of these people have done so through the organization called moveon.org, a citizens' organization to advance concerns in a way that I think is very healthy. I just want to share with my colleagues tonight the thoughts of some of those people from central Texas who share my concern about the rationale the administration used, how quickly it is walking away from that rationale, and the tremendous cost in the meantime, not only in dollars, but in blood.

Glee Ingram. Glee is a small business owner in Austin, and she writes: ''I strongly support an independent investigation of the claims that were made by the Bush administration as a prelude to declaring war on Iraq. Using deception to create support to go to war is absolutely unacceptable. We, the citizens who must reap the consequences of this decision, are due all honesty,'' and indeed they are. And it is particularly questionable why this administration that made such bold claims about how weapons of mass destruction posed a danger to our families now resists a complete investigation of why they have been unable to find them.

Chantal Tetreault, who is a University of Texas student, contacted me saying: ''Please support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs. My confidence in the government is shattered and will only be restored if the American people are given the truth about government intelligence prior to the Iraqi war. Innocent Americans have died and continue to die, along with many Iraqi civilians in this war.''

I think she raises some important questions, as does Kathy Goodwin, who is an Austin social worker who contacted me saying: ''I firmly believe that when we witnessed the bombing of September 11, people everywhere shared our grief and millions in the United States and all over the world have since come to the conclusion that war will not solve all our problems. The terrorism that caused 9–11 will not be stopped through a war with Iraq. We need the truth.'' And that is what an independent investigation of the whole WMD controversy would get to.

I believe the voices of these Austinites and others across the country should be heeded. We need action now to find out why and what occurred here.

SUPPORT H.R. 693, THE MILITARY DEATH GRATUITY TAX REPEAL ACT

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor tonight to say to the House and to the other body, the Senate, that we need to pass legislation to remove the tax that is sent to the families of those who have given their loved one to die for this country.

Mr. Speaker, I want to introduce my colleagues to a young man whose name is Tyler Jordan. Tyler's father, gunny sergeant Phillip Jordan, died for this country. He died in Iraq. He gave his life for this country. Yet, Mr. Speaker, because we have not removed a tax on the death gratuity that will be sent to his family this year, next year his family will have to pay a tax on $6,000.

Last year I put a bill in that would remove this tax; and it was supported by both parties, Democrat and Republican. It was sent in a larger bill to the Senate, but the Senate could not find the time to pass the legislation. This year again, the House, in a bipartisan way, Democrat and Republican, have sent to the Senate a larger bill with this provision in it to remove this tax on this death gratuity, and the Senate still has not taken the time to pass it.

Behind me are faces of those who have given their lives for this country. Their families next year will receive a tax bill from Uncle Sam. Mr. Speaker, I think when a family gives a loved one dying for freedom, the least that the House and the Senate can do is to repeal this tax.

The history of this is that in the early 1990s, there was a $3,000 death gratuity sent to the family. It was increased to $6,000, but the Congress did not take off the tax on the additional $3,000, so that means on the $6,000 death gratuity that is sent to the family, a tax will have to be paid. Mr. Speaker, I am going to call on the House leadership, both Republican and Democrat, the Senate leadership, and the President of the United States that we not leave here in November of this year and say to the families who have given a loved one that you are going to receive a tax bill from Uncle Sam.

I look at this young man that I hold up again, his name is Tyler Jordan. His father, Phillip, a Marine, gunny sergeant, died for this country. Yet not only did he give up his father, but also his family is going to be asked to pay a tax. This is unacceptable. There are many issues that we debate here in the House of Representatives, many issues that are so important; but is there anything more important than to say to a family, you gave a loved one for this country. The least we can do is to eliminate this tax.

So I am asking my colleagues on both sides of the political aisle to please help me encourage the House leadership, both Republican and Democrat, that we not leave this year without sending to the floor of the House H.R. 693, a bill that I have introduced supported by both sides, the military death gratuity tax repeal, get it to the floor and pass it. Because I do not want to come back here in 2004 and think that we have asked a family that gave a loved one that they had to pay a tax.

Let me give my colleagues a quick example. On September 11 of 2001, over 292 military families paid a tax on the gift of a loved one. In the year 2002, if this bill had passed last year, but since it did not pass, 1,700 families had to pay a tax on the gift of a loved one who died for freedom in America.

So, Mr. Speaker, it is my hope as I conclude tonight that as we look at the faces of these who have given their lives for America, we look at the little boy who gave his father for this country, that we will not leave here in November without passing H.R. 693 on the floor of this House and let us send it to the other body and ask them to pass that legislation. I am going to write a letter to the President of the United States, send it tomorrow, and ask the President to please get behind this legislation.

Mr. Speaker, I close as I do in my district and I did last night: I ask God to please bless our men and women in uniform, to please bless their families, and I ask God to please in his loving way in

his arms to hold the families who have given their loved ones dying for freedom. I ask God to please bless the American people, to bless the House and Senate that we will do what is right in the eyes of God Almighty. I ask God to please be with the President of the United States so that he will do what is right for the future of this country. And I ask three times, God please, God please, God please continue to bless America.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

SUPPORT LOWER PRESCRIPTION DRUG PRICES THROUGH FREE MARKET ACCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care, yet Americans are forced to travel the world for their medications. A recent Families USA study found that the prices of the 50 drugs most commonly used by seniors in America increased by an average of 3.5 times the rate of inflation over the past year. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent. For too long, seniors have been paying premium prices for the same prescription drugs that are available in Canada and European countries at 30, 40, 50 percent reductions.

What we are proposing through the market access bill is allowing people here in the United States to buy medications in Canada and Europe, is free market competition, allowing the market to work. That competition will bring prices down in the United States and save our consumers and our taxpayers thousands upon thousands of dollars.

We as public officials are entrusted by the American people to represent them. We are not entrusted to ensure that they pay the most expensive price, but get the best price for the medications they paid for the research on. A recent USA Today Gallup poll showed that 71 percent of the American people showed support for allowing them to buy their medications in Canada or Europe.

I stood just Sunday with the Governor of Illinois who announced that for the first State ever in the Union, that they will now study what would be the savings to the taxpayers of Illinois if the 230,000 retirees and State employees would be allowed to buy their medications in Canada. In the last year, the cost to the State for prescription drugs increased by 15 percent. Illinois now spends $340 million a year for prescription drugs for their employees and retirees. It is projected in the Illinois budget that that will increase by 17 percent next year and another 15 percent the following year after that.

There are early predictions of what the savings will be, but I will wait for that study to be produced. The Governor asked for two actions: a, report back in a period of time for the savings to the State, if there are any; and, b, if there are savings, to then open up the health care contracts that the State has for its employees and retirees so they can cover prescription drugs bought in Canada.

That is the same program that the AARP does for its own seniors today. United Health covers 96,000 seniors who buy their medications in Canada and covers it with an insurance policy.

Now, nobody believes that the AARP would risk the health and welfare of our grandparents. Now, if there is an ability for a State government to save $50 million to $60 million, rather than lay off teachers, rather than lay off police officers, rather than close prisons, I think they have an obligation to the taxpayers and to their employees to get them those savings.

We too will face that choice. Just in July, prior to going home for the August recess, a bipartisan majority of the House Members came together and voted across party lines to allow market access, to allow Americans to buy the medications, the name-brand drugs that they need for cholesterol control, blood pressure control, arthritis, other types of medications, either in Canada or in Europe. That passed with an overwhelming majority. This is not a decision of Democrat versus Republican, or right versus left, but of right versus wrong. We can do better for the American people. We can give them the choice and the competition they deserve so that they can get the savings they deserve.

The irony of all of this situation is that Americans pay 50 percent more for the medications that their colleagues in France, Germany, England, Italy, Ireland, and Canada pay.

□ 2000

And yet what is ironic is every cancer drug, every AIDS drug, every major medication in this country was developed by the taxpayer funded research through the tax credit research and development credit or through direct funding by the National Institutes of Health.

The American taxpayers and consumers today are not only underwriting the research in this country, they are underwriting the profits of the American pharmaceutical companies. I have nothing against profits. I think they are a good thing. But they do not need to make up their profits in the United States from our seniors and our consumers when they can actually have the free market operate in the appropriate way so we can get the best price for our consumers and our seniors and for our taxpayers.

As we embark on this largest expansion of an entitlement in over 40 years, thinking of adding $400 billion to Medicare to cover a prescription drug plan, I think we owe the decency and respect to the taxpayers to ensure that we get them the best price, not the most expensive price for that $400 billion.

Now, those medications exist out there. Today you take Tamoxifen, which is a major cancer fighting drug, it costs $360 million here in the United States. In Canada that same medication for the same amount cost $33. In Germany it cost $60. You can go drug by drug and there is a major 40 to 50 percent reduction.

I would call on our colleague and I call on governors and mayors around the country to look at what we did in Illinois and see if you cannot save your taxpayers and your employees the cost that they need so we can plow that back into other health care coverage for the uninsured, to expanding our school, retaining our teachers, doing teacher training, and make sure that our police are on our street making them safe. Those are the right choices we owe to our employees, our consumers, and, most importantly, the taxpayers.

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. NORWOOD).

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

There was no objection.

REJECT IRAQ WAR APPROPRIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the neo-conservative media machine has been hard

at work lately drumming up support for the $87 billion appropriation to extend the precarious occupation of Iraq. Opposition to this funding, according to the Secretary of Defense, encourages our enemies and hinders the war against terrorism. This is a distortion of the facts and is nothing more than destroying the messenger when one disapproves of the message.

Those within the administration, prior to the war, who warned of the dangers and real costs were fired. Yet it now turns out that they were more right, that it would not be a cakewalk, that it would require a lot more troops, and costs would far exceed original expectations.

The President recently reminded us that we went into Iraq to force Iraq's compliance with U.N. resolutions since the U.N. itself was not up to the task. It was not for national security reasons. Yet we all know that the U.N. never endorsed this occupation.

The question we in the Congress ought to ask is this: What if our efforts to Westernize and democratize Iraq do not work? Who knows? Many believe that our pursuit of nation building in Iraq will actually make things worse in Iraq, in the entire Middle East, through the entire Muslim world, and even here in the United States.

This is a risky venture and this new funding represents an escalation of our efforts to defend a policy that has little chance of working.

Since no weapons of mass destruction were found in Iraq, nor any evidence that the army of Saddam Hussein could have threatened the security of any nation, let alone the United States, a new reason is now given for the endless entanglement in a remote area of the world 6,000 miles from our homeland.

We are now told that the need to be in Iraq is to fight the terrorists that attacked us on 9/11. Yet, not one shred of evidence has been produced to show that the Iraqi government had anything to do with 9/11 or the al-Qaeda.

The American people are first told they have to sacrifice to pay for the bombing of Iraq. Now they must accept the fact that they must pay to rebuild it. If they complain, they will be accused of being unpatriotic and not supporting the troops. I wonder what a secret poll of our troops would show on whether or not they thought coming home next week indicated a lack of support for their well-being.

Some believe that not raising taxes to pay for the war is a way to pay for the war on the cheap. It is not. When deficits skyrocket the Federal Government prints the money and the people are taxed by losing value in their savings and in their paychecks. The inflation tax is a sinister and evil way to pay for unpopular wars. It has been done that way for centuries.

Mr. Speaker, I guess we shouldn't worry because we can find a way to pay for it. Already we are charging our wounded soldiers $8.10 a day for food when recuperating in a hospital from war injuries.

We also know that other soldiers are helping out by buying their own night vision goggles, GPSs, short wave radios, backpacks and even shoes. That is sure to help as well.

It does not seem like much of a bother to cut veterans' benefits. Besides, many conservatives for years have argued that deficits do not really matter, only tax rates do. So let us just quit worrying about deficits and this $87 billion supplemental.

Seriously, though, funding for this misadventure should be denied no matter how well-meaning its supporters are. To expect a better world to come from force of arms abroad and confiscatory taxation at home is nothing but a grand illusion. The sooner we face the reality, the better.

While we nation-build in Iraq in the name of defeating terrorism, we ignore our responsibilities to protect our borders at home and we compromise the liberties of our citizens with PATRIOT Act types of legislation.

There are two main reasons we need to reject the foreign policy of the past 50 years that has been used to rationalize our presence in Iraq. First, the practical: We cannot expect to force Western, U.S.-style democracy on a nation that for over 1,000 years learned to live with and accept an Islamic based legal system.

No matter what we say or believe, to the Iraqis they have been invaded by the Christian West, and whether it is the United States, U.N. or European troops that are sent to teach them the ways of the West it will not matter.

Second, we have no constitutional authority to police the world or involve ourselves in nation building, in making the world safe for our style of democracy. Our founders advised against it and the early Presidents followed that advice. If we believe strongly in our ideals, the best way to spread them is to set a good example so that others will voluntarily emulate us. Force will not work. Besides, we do not have the money. The $87 billion appropriations request should be rejected.

PROTECT EMPLOYER-SPONSORED COVERAGE IN MEDICARE CONFERENCE

The SPEAKER pro tempore (Mr. KLINE). 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 highlight a crucial issue that is beginning to take center stage in the Medicare debate, and that is the fate of employer-sponsored health coverage for retirees.

As it currently stands, the House-passed Republican Medicare bill encourages employers who are currently providing retiree health benefits to drop that coverage. Unfortunately, the Republican bill states that any dollar an employer pays for an employee's prescription drug costs would now count towards the employee's out-of-pocket catastrophic cap. This disadvantages seniors with employer-sponsored coverage because it would be almost impossible for them to ever reach the bill's catastrophic cap over which Medicare would pay 100 percent of their drug costs. Without a doubt, many employers will simply stop offering retiree coverage.

The potential loss of this valuable benefit that many unions and employers provide today was reported today in the New York Times. According to the front page lead story by Robert Pear, ''About 12 million of the 40 million Medicare recipients has retiree health benefits, usually including some drug benefits. But the Congressional Budget Office estimates that one-third of the people with such drug coverage could lose it under bills passed in June by the House.''

Mr. Speaker, Republican conferees so far are unwilling to provide a final Medicare agreement that will provide seniors with an affordable, available and guaranteed prescription drug benefit that does not privatize Medicare. With the added threat of employers dropping retiree health benefits if a retiree is eligible for Medicare, we will no doubt have a public health crisis on our hands.

Mr. Speaker, Republicans are promising tax credits and subsidies to employers in order to persuade them not to reduce or deny benefits to seniors. But these approaches do not work and the answer is very simple. Employer dollars being provided for retiree coverage should contribute towards the out-of-pocket cap on the Medicare benefit. This system would allow seniors to reach the catastrophic amount earlier in the year, the amount at which point Medicare would pay 100 percent of drug costs, thereby providing relief to employers and providing an incentive for them to continue providing retiree coverage. It is simple.

I just hope, Mr. Speaker, tomorrow when President Bush plans to meet with the Medicare conferees, I would encourage him to ask the conferees to ensure that this important issue is addressed, because if all we do in passing a Medicare drug benefit is manage to basically eliminate employer-retiree coverage for drug benefits in health care, then certainly there is no point in having the Medicare agreement or the Medicare drug coverage at all.

I would hope that this could be addressed. Otherwise, I would say that the Democrats will continue to raise this as an issue while the conferees meet because it is so important. And so many of my constituents, Mr. Speaker, have already talked to me about it and are very concerned about the possible loss of their coverage.

PREVENTING UNDERAGE DRINKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I spent roughly 40 years working with young people, and over those 40 years there was a growing concern about drug abuse. Drugs such as cocaine, marijuana, heroin, methamphetamines were unheard of in 1960 and became more and more prevalent as those 40 years moved forward.

My observation was the primary drug problem that we had with young people really revolved around alcohol. Last week the National Academy of Science came out with a report on underage drinking that I think underscored this observation. The findings were as follows:

Number one, underage drinking results in $53 billion of costs to the Nation annually; $19 billion of this is for alcohol-related traffic accidents; 2,339 15- to 20-year-olds were killed in 2000 by alcohol-related traffic accidents.

Number two, availability apparently is no problem. Ninety percent of twelfth graders say obtaining alcohol is easy. Fifty percent of seniors drink each month, and 25 percent of those drink heavily.

Third, underage drinkers drink more than adults do. The report indicates that underage drinkers consume nearly twice as much alcohol on each occasion than adults. In other words, underage drinkers are more likely to drink to get drunk than adults.

Number four, underage drinking is more addictive. Due to psychological and physiological immaturity, alcohol dependency progresses much more rapidly in young people. Sometimes it progresses in a matter of weeks or months, whereas in most adults the disease may progress over a period of years.

It is estimated that there are 3 million teenage alcoholics in our country today, and those that are addicted to other drugs, it could be a fraction of that 3 million, and yet that gets most of the attention.

Number five, the average age of the first drink is decreasing. At the present time the first age of drink is about 14 on the average. Twenty percent of eighth graders use alcohol frequently.

Six, the side effects of adolescent drinking are devastating. Underage drinking leads to violence, suicide, academic failure, date rape, unwanted pregnancy, it can impede brain development, and it is a gateway to other illegal drugs such as cocaine, methamphetamine and heroin, because all of those drugs usually do not start with the drug itself but rather alcohol consumption.

Number seven, a point that I would like to bring out is why has underage drinking become such a huge problem. I would say parental factors have been a major issue. Many parents subscribe to the myth, which is false, that if a young person is using alcohol then they will not use other drugs, when the reverse is absolutely the fact. If you start using alcohol early, you are more apt to be addicted to all kinds of other drugs as well.

Oftentimes parents will purchase alcohol for children. And then, of course, there is the issue of lack of parental involvement. A recent study indicated that parents today spend 40 percent less time with their children than they did a generation ago, and of course that leads to some problems in the alcohol area.

Then of course there has been a problem with media influence. Young people are often targeted by alcohol commercials, and those of you who may watch NCAA football this next Saturday will undoubtedly come across a number of beer commercials, and these commercials will not show you an overweight 50-year-old or an automobile accident or somebody whose wife walked out on him. Rather, they will be young, they will be attractive, they will be athletic and they will be having a good time. And so NCAA sports, which should be aimed at improving things for young people, is, I think, in this case part of the problem. Also, much music targeted to young people glamorizes alcohol.

□ 2015

So some of the solutions provided by this report I think are worth noting.

I think we need to reallocate government resources. Twenty-five times more money is spent on preventing illegal drug use than preventing illegal drinking by young people, and yet if we can keep people from drinking, particularly at an early age, we are going to do a tremendous amount to cut down use of other hard drugs, and our money would be much better spent in that regard.

We need to hold alcohol advertisers accountable for targeting young people. There is no question that many of their advertisements are aimed directly at people, and some of those are underage drinkers. We need to hold the recording industry, the motion picture industry and the television industry accountable for ratings. Many of these ratings are rated G or PG and have heavy alcohol content in them.

We need to enforce regulations banning the sale of liquor to underage drinkers. Many times people who violate these rules just get a slap on the wrist. It has been proposed, also, by the NAS study that we raise the excise tax on alcohol to promote a campaign to reduce underage drinking, much as we have to reduce smoking.

So all of these things I think are worth considering, and I certainly urge the membership to take a hard look at the NAS report.

LETTERS FROM CONSTITUENTS CONCERNING IRAQ

The SPEAKER pro tempore (Mr. KLINE). 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 U.S. House of Representatives passed a rule to ban discussion, debate, printing of any information or discussion of the issue of slavery. As a result, former President John Quincy Adams, who was elected to the House of Representatives after he was President, came to the House floor night after night, week after week, hoping to change the minds of people and debate the issue of slavery.

Adams, one of the Nation's leading abolitionists, one of the Nation's strongest believers in giant social justice, as a result, because he was prohibited from talking about slavery, came to the floor and read letters that he received from constituents in Massachusetts and constituents around the country. He believed that Congress should discuss slavery and debate slavery, so he allowed citizens to speak through him as the microphone, citizens through using these letters to speak directly to Congress, directly to the American people.

In a similar way, many in this Congress are unhappy that we are failing to investigate what our role in Iraq was. My friend from Texas (Mr. PAUL), Republican from Texas, has joined with many of us in questioning and asking for an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program, saying that we need to know more in order to deal with the problems at hand more, and as a result, I would like to read letters from petitioners from Ohio, from my District most of them, from all of Ohio, received from Ohio literally thousands of letters questioning, asking that Congress investigate, questioning what we are actually doing in Iraq.

From Jay from Richfield, Ohio, While listening to the speech of the President regarding Iraq last Sunday, I was struck by the fact he is asking for $87 billion for Iraqi reconstruction. What is magic about $87 billion, Jay writes. If we assume there are 290 million men, women and children in the U.S., that means that every man, woman and child will be contributing $300 to the reconstruction of a country we will never visit and whose welfare would never have affected us but for the lies of our President.

When the President sold America his enormously wasteful tax cut a few years back, his cornerstone was $300 for every family. He was full of stories regarding what a family could do with an extra $300. Jay of Richfield, Ohio, writes.

Sue of Elyria, Ohio, writes, Rather than admitting the shortcomings of his failed policy and plotting a course to get us out of Iraq, President Bush used the Sunday speech to the Nation to repeat his lies in the hopes that people will believe them if they are said often

enough. There was no mention of weapons of mass destruction. Bush continued to equate Iraq with al Qaeda terrorists even though there is no factual basis for the charge. Then he asked us for another $87 billion to bail him out, and I am sure this is only the beginning. President Bush will be back asking for more.

How much is $87 billion, Sue writes. For that amount of money, America could solve the school budget crisis in every one of our communities and provide health insurance for every uninsured American child for 15 years, provide food for all six million of the children who die from hunger around the world for the next 7 years. Sue from Elyria, Ohio.

Ted from Lorraine, Ohio, where I live, asked about the $87 billion more for the invasion of Iraq. He writes, What happened to the $69 billion he spent already? Was it all given to Halliburton, the ''no bid'' contractor and friend of the President's? Why does not Congress write into the law giving him money that no contracts be let without fair and open bidding? His concern for the people of Iraq is heartwarming, but what of us, Americans who pay him and are suffering from a terrible loss of jobs and income? What of our schools and our roads and our bridges and constitutional rights under the Bill of Rights? Not a word from the President on that.

Jack from North Royalton, Ohio, writes, I believe that we, the American public, were manipulated by misleading statements by President Bush in order to gain support for a war in Iraq. This war is costing the American people billions of dollars. More importantly, it is costing the lives of American military personnel. This war has cost America the friendship and respect of law-abiding Nations. This is a sad period for America and for Americans. The Bush administration should be held accountable. President Clinton's lies were about a personal sexual matter. President Bush's lies are about an international issue.

Matt from Cuyahoga Falls, Ohio, writes, The costly war, which has not ended, has cost thousands of civilian lives and hundreds of American military lives. It has not improved national security. It has weakened it. It was evident, Matt writes, as the administration danced around looking for reasons to attack Iraqi men, women and children that there were conflicts of interest between members of the administration and the possible reasons for going to war.

These are five or six of the literally the thousands of letters, hundreds of thousands around the Nation that we are receiving questioning what we are doing in Iraq, wanting a plan on how we are going to get out.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members to avoid personally offensive references to the President of the United States.

REPORT ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, 2 weeks ago I had the privilege of visiting Iraq with the gentleman from Virginia (Mr. TOM DAVIS), the Committee on Government Reform chairman. I am not a member of that committee, but he kindly let me accompany them.

Mr. Speaker, when I returned to this country I will have to tell my colleagues I wondered if I had gotten off a plane on the wrong planet or if my jet lag was particularly bad. I turned on the evening news and listened to one of the national news anchors, and his comments about Iraq were such that I did not recognize the country that I had just left.

Mr. Speaker, I want to tell my colleagues tonight about what I did see while I was there. It is a good story, and it is a story the American people need to hear, and unfortunately, it is a story the American people are not hearing as we have heard evidence tonight by the comments on the other side.

General Conway of the 1st Marine Expeditionary Force in Babylon told our group that what has happened in Iraq is a vivid success story. The Iraqis are not concerned that we will stay too long; they are more concerned that we will leave too soon.

Mr. Speaker, when we flew into Baghdad that first morning, I was struck by how normal life is in Baghdad. The markets are full. There are cars on the street. In fact, we encountered a couple of traffic jams. Satellite dishes have appeared on the rooftops of the apartments and houses in Baghdad, and Mr. Speaker, bear in mind that 4 or 5 months ago, possession of a satellite dish was punishable by a year in prison, and now 25 to 30 percent of the homes have satellite dishes. These are people who are hungry for knowledge, who are hungry for information.

The schools completed their school year. Agriculture in this country, in spite of the combat phase of Operation Iraqi Freedom. Just at the end of August, they had completed the wheat harvest up by Tikrit, an area that looks very similar to Kansas for all I could tell. Perhaps the Kansas of 150 years ago, but nevertheless it looked very similar to Kansas.

From a military standpoint, the combat phase of Operation Iraqi Freedom was prosecuted brilliantly, and Mr. Speaker, I would point out probably more humanely than any other military exercise in the history of the world. There is no remaining strategic threat, that is to be sure Iraq is still a dangerous country, but the Iraqi military is not going to reconstitute under Saddam Hussein and attack our forces.

Stabilization is currently the goal of our military operation, to find, contain and kill those who would hurt our troops or harm innocent Iraqi citizens.

Mr. Speaker, I would like to point out a picture that I took while I was over. This was actually taken in Tikrit in one of Saddam's old palaces. The men and women of the 4th Infantry Division, that is a Fort Hood division out of Texas, had this graphic up there to illustrate how 42 of the 54 most wanted of the former Iraqi regime are no longer a threat to the Iraqi people or the American people: Saddam's regime is gone and will not be back, can you hear me now.

Mr. Speaker, as far as the police force in Iraq is concerned, we are just now 2 years and 5 days after the 9/11 disaster, and many of us got to know Bernard Kerik on our TV screens, the police commissioner from New York City who presided over the New York Police Department during 9/11. He has been a miracle worker in Iraq. He has gone from zero to 35 precinct stations in a mere 14 weeks' time. He has stood up 37,000 Iraqi policemen and expects to have 65,000 more by next May.

Mr. Speaker, to sum up, I would like to just illustrate the 90 days of progress that have happened in Iraq. The schools have completed their academic year and completed testing and indeed will be starting, if they are not already started, a new school year this September. Over 90 percent of the major cities and towns in Iraq have functioning city councils and town councils. Over 500,000 Iraqis are contributing to their own security and border security. Prisons are on the verge of reopening, and the judicial system is up and functioning. Food distribution occurred throughout the combat phase and afterward. No humanitarian crisis grew as a result of the combat in Iraq.

Hospitals remained open and functional. To be sure, they leave a lot to be desired, but nevertheless, they remained open and most importantly to me, four and a quarter million children have been immunized since last May.

Mr. Speaker, I would point out in this 90 days of progress, none of these things were in place in Kosovo a full year after that major military operation ended.

I would like to point out some of the things that I saw within the health care industry in Iraq, which was particularly important to me as a physician. There has been no health care infrastructure improvement in Iraq for over 30 years. Pharmaceuticals manufactured in Iraq were useless, and we juxtapose this with the opulence of the palaces and the poverty of the hospitals. Mr. Speaker, this was a man who needed to be removed and deserved to be removed.

HONORING THE LIFE OF MORRIS ''MOE'' BILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a giant in the labor movement, a giant whose voice was silenced 2 weeks ago, Mr. Morris Biller, affectionately known as Moe. Moe Biller departed this life on September 5 at age 87.

Moe Biller's voice may be silent, but the principles for which he lived and fought for can be heard all around the world. It is often said that success in life can be measured by how many people one is able to touch in a positive way. By all accounts, Moe Biller lived a pretty successful life.

He was one of those individuals who had to swim upstream. His 20 plus years as president of the American Postal Workers Union helped to transform that union and the United States Postal Service. Moe's legacy will perhaps be that of a hero to those workers of the Postal Service who were viewed as mediocre to the mail process. He was a champion for the little people.

In 1970, he led a strike that began in his hometown of New York and spread to 30 cities involving 200,000 workers. Former President Richard Nixon called in the National Guard in an effort to move the mail. That strike led to postal reorganization in 1971 and provided workers with the right to bargain for wages, benefits and improved working conditions.

Even those who did not agree with Moe's style or message respected him for his courage and passion on behalf of the workers at the postal workers' operation.

The Postmaster General has noted that Moe Biller was a forceful, innovative leader who worked tirelessly on behalf of the American Postal Workers Union members and on behalf of the Postal Service. The Postmaster General ordered that flags at postal facilities be flown at half staff until Biller's burial, which took place on Sunday, September 7.

□ 2030

Mr. Speaker, Moe Biller's imprints on the labor movement, collective bargaining rights, and concern for humanity are attributes to be admired. Moe's work will continue with leaders like the current president of the APWU, Bill Burrus. I was pleased to join Bill Burrus and members of APWU at the Second Annual Moe Biller Postal Conference which took place at the Brookings Institute recently, and Moe's presence could be felt.

We have lost a giant in the movement. The best way we can honor Moe Biller is to keep his spirit alive by rededicating ourselves and redoubling our efforts to improve worker conditions, protect collective bargaining, expand health care to those in need, and provide adequate resources for those who are the everyday workers of our society. I ask that my colleagues, citizens of America, and the 750,000-plus postal workers join with me in extending our heartfelt condolences to the Moe Biller family and our thanks for his great work on behalf of humanity. May Moe Biller's spirit rest in peace and resonate in our actions. He was truly a representative of the working man.

HONORING PROFESSOR EDWARD TELLER

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to pay tribute to one of the great Americans of the last century, Dr. Edward Teller, who passed away on the 9th of September and said of his own accomplishments, ''What I did, I did because it was necessary, not to be remembered. The little contributions I made in pure science, I am proud of those, and whomever wants to remember that, fine.'' But Dr. Edward Teller deserves to be remembered, and it is important that we remember him because he perhaps more than anyone else in American science believed that we could achieve peace in the world through military strength. He did everything he could to rally a community of scientists, technical people, engineers to back up the political leadership in this country when we were faced with an enormous military adversary in the Soviet Union. And ultimately as the Soviet ambassador said when he left at the end of his tenure upon the collapse of the Soviet Empire, the Reagan Strategic Defense Initiative, which was largely Edward Teller's, hastened the fall of the Soviet Empire by a full half decade.

Dr. Teller died at age 95 of a stroke at his home in Palo Alto where he had worked for the past 28 years as a senior Fellow at the Hoover Institution at Stanford, a towering source of American intellect and ideals, both literally and figuratively. Just a few days earlier, he had put in his last day of work at the Lawrence Livermore National Laboratory which he cofounded with his fellow University of California professor, Ernest Lawrence, 51 years ago this month, and where he labored prodigiously for the American cause ever since.

Characteristically on his last Livermore workday, he was reviewing recent technical developments concerning a new source of nuclear energy, an area he was deeply engaged in the past 64 years and upon which topic he coauthored a seminal scientific paper 70 years ago that is still widely referenced today.

But what makes Teller unique among all of the rest of the greats of our time is a vision and courage that he manifested in a most difficult, too-little-remembered era already a half century in our Nation's past when Americans and the other free people in the world came into serious confrontation with the empire led by the Soviet Union.

In the late 1930s, Teller and many others, more than a few being fellow refugees from Hitler's tyranny, had answered President Franklin Roosevelt's call to commit their technical talents to the defense of freedom against the clear and present danger of fascism with historic consequences known to us all. A decade later in the late 1940s when the world's free peoples faced another grave, but less clearly perceived, totalitarian threat, Teller rallied and led American scientists and engineers in providing American political leaders with the key technical means for withstanding the Soviet challenge. He continued his exemplary leadership for the following quarter century until one of our greatest Presidents, Ronald Reagan, sounded the call for the conclusive campaign of the Cold War. Then already at an age when most are content to rest, Edward Teller again rallied and marshaled his professional colleagues from all over America to create the technical core of the interlock set of philosophical, political, economic, and military challenges that Reagan launched at the Soviet Empire, resulting in its unexpectedly swift, bloodless, and utter collapse.

Mr. Speaker, Teller's technical genius and near solitary perseverance gave the United States crucial first access to the most fearsome weaponry, and the vision that he shared with Ernest Lawrence in founding the second laboratory concerned with nuclear weaponry that has endured and ensured America's weaponry excellence through its brilliantly conceived, supremely effective appeal to innate American competitiveness, and as we will do very well to remember this Teller-Lawrence lesson regarding the surpassing importance of competition-based technical preeminence in all crucial national security programs, very specifically including nuclear weaponry, for every bit as long as it takes to undergird America's national security.

It was Edward Teller's Churchillian-quality vision, his simple eloquence, and his unwaivering moral courage, and not just once but twice facing down multitudes of those less committed to the effective defense of traditional Western values, and yes to the triumph of the American cause, that we should most honor and longest remember. To be sure, Edward Teller made mistakes, and he acknowledged and regretted them; but they dwindle into complete insignificance when viewed against his monumental accomplishments on behalf of all Americans and indeed all freedom-loving people everywhere.

Mr. Speaker, I am reminded when Dr. Teller talked about going to meet Albert Einstein in 1939 and asking a little girl skipping rope if she knew where

Dr. Einstein lived. She said no as she was skipping the rope. He finally asked about the guy with the big fuzzy white hair, and she directed him to the correct door. He went in with two other physicists and together with Albert Einstein they wrote the letter to FDR that changed the world. Edward Teller was a great scientist. He was also a great American.

CALIFORNIA RECALL DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am very pleased with the decision made yesterday by the 9th U.S. Circuit Court of Appeals that declared the use of older voting machines would again lead to the disenfranchisement of minority voters. I applaud the court for deciding to assure voters that the basic fundamental requirements of equal treatment and fairness are carried out. Underlying this, I quote from Justice Kennedy who wrote: ''Voting is one of the most fundamental and cherished liberties in our democratic system of government.'' To me, the California decision highlights a painful lesson our country learned from the 2000 elections, that it is not possible to hold a fair democratic election if voters are not guaranteed their votes will be fairly counted.

I read in the paper and have heard on the news a lot of talk about hanging chads and other technical problems that led to the Supreme Court selecting George W. Bush as the President in the 2000 Presidential election; but let me tell Members that in my district, Florida's third, 27,000 votes were thrown out and never counted. Let me repeat, 27,000 votes from precincts 7, 8, 9 and 10 tossed out, never counted from minority neighborhoods that vote 98 percent Democratic.

In California, the voting machines that 44 percent of the voters were going to use in the October 7 recall election were so questionable that California's Secretary of State, a Republican, was not planning to allow this equipment to be used in future elections. And take note, the comparison he drew for the dire situation was that California should not wait for a Florida-style election problem before going ahead to replace their out-of-date voting machines.

In the court decision, the 9th Circuit stated that 40,000 citizens of California would have their votes uncounted because of old machines they were planning to use. I repeat, 40,000 votes. In addition, a quarter of the State polling places are not yet functioning because election officials did not have enough time to prepare for the recall. To me, the situation in California clearly shows that we still have quite a ways to go in reforming our voting system. And to make matters worse, even though just last year we passed an election reform bill, the Republicans have blocked full funding. Up to this moment, we still need another $2 billion before the end of the year to ensure that we do not repeat the 2000 election. Yet if we fail to provide the States with this badly needed funding, we may be headed right down the same path, to face this terrible situation that we were in just 3 years ago.

Here we are, 3 years later, the leader of the free world and at the same time the laughingstock of the free world telling other nations that we do not support them or we are going to sanction them because we consider their elections to be unfair; yet here at home we cannot get our own elections right.

I completely support the circuit court's decision and hope to see the election postponed until they get better equipment in place. We must never, ever repeat what happened in Florida. We certainly do not want to witness a repeat of the 2000 Presidential election. In closing, I think the recount in Florida, the redistricting problem in Texas, and the recall of California's Governor is part of a right wing conspiracy to politically enslave the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING ROBERT LLOYD KELLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I rise tonight in honor and remembrance of Robert Lloyd Kelley, who tragically passed away on March 15, 2003, at the age of 57. Robert Kelley, known as Bobby, was not only an outstanding father and beloved husband, he was also a great community leader and mentor who gave freely of his time and energy.

Those who knew Bobby knew that he loved life, especially his family, his church, the Texas Aggies, his job, and his community. He was devoted to his aging parents and took care of their physical and emotional needs. Bobby was kind and generous to many in the community, but his rewards are now being reaped in the splendor of heaven.

Bobby was born on February 4, 1946, in San Antonio, Texas, to Dr. E. Lloyd Kelley and the late Mary Yvonne McGarry Kelley. He is preceded in death by his mother as well as his son, Timothy Lloyd Kelley.

Bobby played an active role in his community of Hondo, Texas, serving both on the board of directors and as president of the Hondo Area Chamber of Commerce, as well as president of the Hondo Owl Band Booster Club.

During his life, he received numerous service awards and recognitions, including Volunteer of the Year for the Hondo Volunteer Fire Department, 1986; Community EMS Service Award, 1986 to 1990; Medina County Peace Officers Association Citizen of the Year; Hondo Area Chamber of Commerce Citizen of the Year; Outstanding Band Booster Service Award; and special recognition from the San Antonio Area Chapter of the Red Cross, as well as the Boy Scouts. He was an active member of the Hondo Church of Christ. He was the chief of the Medina County Juvenile Probation Department where he worked with the troubled youth of the area, a job which he found most rewarding, and through his department he helped a faith-based program called Angels Crossing.

□ 2045

Bobby was always willing to volunteer and work on any project that was ''for the kids.'' He always said, ''If you can't do something for kids, what's the point? Kids are our future.''

He also served as a Texas Department of Criminal Justice religious volunteer for approximately 8 years. He loved to sing and served as a song leader at church services held at the Joe Ney Unit in Medina County. Through his work at the Joe Ney Unit he was able to secure funds to have a chapel built, and now with his passing, a formal request has been made that the chapel to be constructed as the unit be named the R.L. Kelley Chapel. It will be dedicated to helping men find God and change their life just as he dedicated his life to helping people.

I extend my deepest condolences to Bobby's wife of 35 years, Jill, who is a seventh grade Texas history teacher at McDowell Middle School in Hondo, and his daughter, Lisa, who works for me on the House Agriculture Committee. Although he will be deeply missed, Bobby's spirit will live on in the hearts and memories of everyone he loved and inspired, especially his family and closest friends, today and for generations to come.

Mr. Speaker, please join me in honor and remembrance of Robert L. Kelley. Medina County, Texas, was indeed fortunate to have such a dynamic and dedicated community leader who willingly and unselfishly gave his time and talents to make his community a better place in which to live, to work, to call home and to raise a family.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, earlier this evening while we were voting on the House floor on a number of issues and as conversations develop among colleagues here, I had an interesting

conversation that I would like to recount. A colleague of mine as we were walking across the street from our office building over here, the Longworth Office Building, said to me, you know, I know that you have had a lot of involvement with immigration-related issues and therefore I just wanted to talk to you a minute or two about some of the concerns I have. This particular individual happens to be a chairman of a committee that has oversight in a particularly important area of concern for us all and has some responsibilities that I would say overlap into the immigration area. He asked me what I thought we needed to do because he recognized the particular problem we were in, the peculiar problem we were in, I guess, in that we have a huge number of Americans who are concerned about this issue, about immigration, immigration reform, and we have a great deal of pressure developing, political pressure, I guess we could say, to do something about our porous borders and do something about the problems that exist as a result of the fact that today unfortunately even 2 years after 9/11, the event that transformed America in many ways and changed the world in many ways, we have still not been able to come to grips with one aspect of this problem and the fact is that we all know this, people in this body know this, and yet we seem paralyzed to do anything about it.

I said, well, okay, I have some ideas about this. Of course we went on to talk in-depth about what we thought should be done. Underline the word ''should'' be done. There was general agreement between the two of us, I guess, that much stronger action needed to be taken, that our borders are porous and that something had to be done in order to control the number of people coming across our borders, north and south, into the United States without our permission, for reasons sometimes benign, sometimes not so benign. We talked about the things that should be in place. Once again I emphasize the word ''should'' be in place. Some of the protections that any country would take, some of the undertakings that we as Americans should simply say we should look at as being the most basic kinds of precautions, that any government would undertake in order to protect their own citizens. We talked about the need for internal security. We talked about the need for Americans to devote more resources to trying to identify those people who are in this country, illegally for the most part, and who are here for purposes of doing us great harm. And we went through the number of problems that we have because, of course, there are many interests that are involved here, many political interests that develop that complicate the issue of simply securing our own borders.

It became apparent after a short time, after we talked about the amount of drugs that are being brought into this country, illegal drugs that are being brought into the country as a result of the fact that cartels, especially in Mexico, have realized that their ability to transport illegal drugs into this country is great and the profits are enormous and that the harm that is being done as a result of that kind of activity is well documented. And we talked about the fact that there are national security problems involved with porous borders and that terrorists, potential terrorists, are able to come into the United States, able to work within the United States because, of course, there are so many millions of people who are living here illegally, that they can blend into the society, they blend into that community, it makes it incredibly difficult for us, the Department of Justice, the Department of Homeland Security, to identify, to monitor and to interdict these people. And then we talked about, of course, just the abuse of our own laws, the fact that we recognize that our immigration policies are being constructed by States and by localities, by cities and counties throughout the United States that are developing policies and laws that actually aid and abet the criminal activity we call illegal immigration.

And all of this devolved into one common theme. Our borders are porous and we need to do something about that. As amazing as that sounds, it is still a difficult concept for many people in this body and in the administration, apparently, to get. But our borders are porous and there are consequences as a result of this situation.

I tell you about this and I relate this conversation because of the way it ended. There was, as I say, agreement between the two of us as to what the problem actually is. There was also an agreement between the two of us as to why we cannot solve that problem and that is what is amazing to me and I guess why I want to start off my discussion this evening with telling you about this conversation, because at one point this gentleman said to me, you know, we do not have the political will to secure our own borders. That is, of course, something I have said many times on this floor. It is something I have said in speeches I have given all over this Nation. But hearing this from another Member, a Member who is, I might say, not identified as being part of our Immigration Reform Caucus or someone who is very high profile but nonetheless a very respected Member of this body. As I say, a committee chairman. He said, and I want to say it again, we do not have the political will to secure the border. What a statement. And in an absolutely truthful statement, a statement we all know in our heart of hearts is accurate but a statement that we do not want exploited, a statement that we do not want to be made public. But it is public knowledge, Mr. Speaker. We may think we are the only ones here that know this dirty little secret, but I assure you that Americans know and understand that there is this problem. Many millions of Americans understand that there is a problem but perhaps they do not know why and they ask me all of the time. I get I do not know how many letters and e-mails and calls to my office. Over and over again the question is, why can't we do something about this? Day after day, week after week, month after month, year after year we talk about the problem. There are countless news reports about the fact that we cannot control our own borders, about the fact that people are coming across and that we choose to do little if anything about it. People say to me, why is this happening, Congressman? I can only tell them what my colleague said to me. We do not have the political will to secure our borders. I assure you, Mr. Speaker, we have the technical ability to do so. We have the resources. We have the technological attributes necessary, combined with human resources to secure our borders. We can do it. It is a fallacy, it is a canard to stand up in front of any group and say it is impossible, we must figure out a different way to defend America rather than defending our borders. When people say that, Mr. Speaker, what they are saying is this: I choose not to defend and secure our border, because there are political ramifications that I fear. This is what we should read into any statement given by any politician, whether they be Members of this body or the other body or running for any position, elected position in the State, in any State of the Nation, because this issue has reached that point where it is now a State and local issue, because we have States in the Nation that are trying to develop their own immigration policy, sometimes because they are attempting to fill the vacuum created by the lack of involvement by the Federal Government and sometimes because they are trying to pander to political constituencies that they believe will help them retain or obtain power, political power.

Recently we have seen something happen that points this up in a way I guess I could never have thought of. The old issue about truth being stranger than fiction, it really works here, because what if I had come to this floor, say, 3 or 4 years ago and said, Mr. Speaker and Members, I can envision a time when States will actually be doing things like giving driver's licenses which in many respects, and many times referred to as the keys to the kingdom in America, a driver's license, what if I had said, I think there are going to be States in this Nation that actually are going to give illegal aliens driver's licenses?

Of course there would have been derision, there would have been a response we all can identify with, those of us who are concerned about this issue, because we have faced that kind of reaction by the press and by even our colleagues in the past. They would have said, you are such a radical on this issue, you are so off base, you are anti-

immigrant, you are racist, all of those epithets that they throw out every time we talk about immigration and immigration policy. Never could this happen that any State in the Nation would give illegal immigrants the keys to the kingdom. Yet, of course, that is exactly what is happening. Several States in this Nation have, and now the most recent, the State of California.

□ 2100

A Governor so desperate to try to retain power that he signs a bill that he had twice vetoed and vetoed with a message that said something like this: It is crazy to give people who are here illegally a driver's license because we do not know anything about them. We cannot determine their background. We do not know who they are. We do not know anything about them, and when we give a driver's license like to somebody like that, they can use it for nefarious purposes. But he forgot all of those veto messages because he is in the process of being recalled by the people of the State of California. And he says, oh, this is a great idea. Why did I not think of it before? It is absolutely necessary for us to give illegal immigrants into this country the ''keys to the kingdom.''

There is only one reason he did that, of course, and that was to gain the votes he hopes he will obtain in order to be retained in office. This is amazing to all of us. I mean, most Americans look at this and understand it for exactly what it is: political pandering in its worst form, and yet it has happened. And I hope that we can look at this little visual example of the problem: A California driver's license for a gentleman named Osama bin Laden, 525 Main Street, Los Angeles, California; date of issuance: 9–11. This is a dramatic, perhaps some would say overly dramatic, statement we are trying to make here, but this is what it takes perhaps to bring some people to their senses. Can we keep this from happening?

Illegal immigration poses a threat to the United States in many, many ways, certainly in a national security sense. In a recent article by Steve Brown and Chris Coon, they say, ''Governor Gray Davis has opened a significant breach in the Nation's homeland security by signing a bill allowing illegal immigrants to obtain driver's licenses that bear the official seal and full governmental authority of the State of California.'' These driver's licenses allow people to open bank accounts, make certain purchases, and obtain jobs. ''Driver's licenses also serve as the sole ID needed to travel abroad to Mexico, Canada, and some Caribbean countries. They allow easy access to air travel and car rentals. It is a requirement for obtaining a firearm. Through the convenience of the Motor/Voter Act, obtaining a driver's license even grants the right to vote, a fundamental right for which generations of American blood has been shed and the one sacrosanct facet of citizenship. But increasingly, even in the post-9/11 atmosphere of heightened security, States are giving away the keys to our country to those who aren't even citizens and are, in fact, here illegally.

''A recent Federation for American Immigration Reform report highlights how States are undermining immigration enforcement and throwing the door open wide to terrorist infiltration. Along with Sanctuary policies mandating noncooperation between local and Federal enforcement, Federation for American Immigration Reform cites the issuance of driver's licenses to illegals as one of the key breakdowns in homeland security, a conclusion shared by both the FBI and the Department of Homeland Security.

''All 19 of the 9/11 terrorists possessed one or more of State driver's licenses, which they used to blend in, rent apartments, open bank accounts, and, ultimately, to board the airplanes they intended to crash,' the report notes. 'The decision by 13 State legislatures and Governors to give driver's licenses to people in this country''' who are here '''illegally, people about whom we know nothing, directly hinders Federal efforts to address the homeland security threat.'

''Gun Owners of America Communications Director Erich Pratt told'' this magazine ''that obtaining a driver's license would 'absolutely' make it easier for illegal aliens to purchase firearms throughout the country. 'The background check only bounces names against real bad guys . . . so yes, if they have what would seem to be proof that they are a legal resident,' '' the driver's license, '''obviously, there would be nothing on the driver's license to indicate that''' they were here illegally. '''Then this really greases the skids of being able to purchase firearms from gun stores,' Pratt explained.''

I am a Representative of the State of Colorado, specifically the 6th Congressional District. An incident occurred in my district that is often referred to as just the ''Columbine incident.'' Columbine High School is in my district, not more than a mile or so from my own home, and we all know the tragic consequences of those children who took guns into a school and killed 13 students and died at their own hands, the two perpetrators. And there was an outcry throughout this Nation, and there was a concern raised about the availability of guns to these two individuals who committed this heinous act. We had to work through that in this body, and we had to work through it as a Nation, and time and again I have heard people come to this floor to protest against the availability of firearms. Here we have a situation now in several States where we have made it enormously easy for someone who is here illegally to obtain a firearm. What does that mean? It means that we have nothing against which to bounce off this information, as the statement here I read a minute ago indicates.

Someone presents a driver's license. They may have a criminal record in other countries. They may have obtained that driver's license illegally. They may have used a false identification to obtain the driver's license. They may have gone to the Mexican Consulate, let us say, and obtained a matricula consular. This is a document that is handed out by the Mexican Government to those Mexican nationals living in the United States illegally. In California, as a result of the bill that was signed by Governor Gray Davis, a person who has obtained one of these matricula consular, that is the name of the card, can then go and get a driver's license. So even if one is, in fact, a citizen of the United States but a felon who has a long, long history of transgressions, they can obtain this matricula consular in a different name and become a different person just like that. And then they take their card to the motor vehicle division in California, and they get their driver's license, and then they go buy a gun, and there is nothing, there is no record, of course, of who they are, who they really are, and therefore, they can obtain this weapon. Why have we not heard from the antigun lobby? Why have we not heard from all those people who raised such hell when we talk about the possession of firearms in America, and they even try to restrict the possession of firearms to law-abiding citizens? But they do not say a word about the fact that we have just opened the door to millions of people who are here illegally and to potentially millions of people who would do harm to the Nation and to others if they were able to obtain a firearm because they are now able to get a driver's license in one of several States, the most important of which, of course, is California.

Not too long ago, last week, as a matter of fact, I held a press conference here, and I had with me several family members of people who were killed in the terrorist attacks on our country on 9/11. ''Families for a Secure America'' convened on Washington, D.C., to air their grievances over the continued lax immigration policies supported by lawmakers concerned only about their careers and lobbyists with specious ulterior motives.

''It is clear,'' they say, ''that the lawyers, lobbyists, ethnic power brokers, ideologues, business profiteers, and misguided do-gooders who don't care about the security of their fellow Americans will never stop working to keep America's borders open. Beyond any doubt, since the murder of . . . 3,000 innocent people on 9/11, these people have shown by their actions that they will never sacrifice their power, profits, and ideology for the safety of the American people as a whole.''

This was a quote by Tom Meehan at this press conference that we held. And he went on to say: ''And we 9/11 families have learned since the murder of our loved ones that this President and most Members of Congress will not do

the right thing unless they are forced to do so by the 70 to 90 percent of Americans that polls show want drastic and immediate immigration reform.''

Lynn Faulkner, who lost his wife in the World Trade Center, pointed to politicians ''both liberal and conservative, Republican and Democrat'' that continue to push for open borders and loose immigration standards.

''Though the specifics of the 9/11 attacks may have been unknown to the politicians listed above,'' and prior to this he listed the Members that he was concerned about, ''and Bill Clinton and President Bush, they had to know that additional attacks would follow and that the only way to keep terrorists . . . out of our country was to screen the people who seek to enter,'' Faulkner said. ''Therefore, we say without any reservation that the Members of Congress, the current President, and his two predecessors contributed to the murder of our family members and the thousands of other victims of September 11.''

In a callous attempt to save his political career from recall, Democrat, California Governor Gray Davis, recently signed legislation allowing approximately two million illegals to obtain driver's licenses, legislation he has twice vetoed, as I said earlier.

With the stroke of his pen, while blatantly pandering to the Latino vote, Davis quashed his State's border with Mexico. Far from a single-handed act, he was aided and abetted by the Democrat-dominated California legislature, particularly by bill author, Senator Gil Cedillo. Cedillo has been pushing this legislation for years under the thin premise that new licenses will have increased incentive to obtain auto insurance coverage, in turn improving highway safety. An ardent member of the taxpayer funded MEChA, which is a ''racist Latino student movement demanding annexation of all southwestern States,'' and MEChA, by the way, is as close to a Hispanic KKK as I can possibly imagine and something, by the way, that the aspiring Governor in California Mr. Bustamante belongs to. Cedillo once said, illegals have a right to stay because ''they were here first.'' Illegal aliens, he says, have a right to stay because they were here first. Given the illegal constituency's interests, there is little doubt who they will pull the lever for in the upcoming elections at both the State and national level.

''I'd like to thank Governor Davis because up until last week, how many people in this country knew that illegal immigrants were getting driver's licenses?'' the Families of Survivors member Grace Gottschalk, whose son was murdered in the World Trade Center, asked.

□ 2115

''Here and there you would see something in the press occasionally, but when Governor Davis used this as a political tool, passing a bill that he had turned down many times because he is now in jeopardy, it shows you how political this is and how immigrants are being used.''

This move has not gone unnoticed by those tasked with securing our Nation from the threat of terrorism at home. Asa Hutchinson, Under Secretary of Border and Transportation Security, recently said, ''Certainly we have to review our policy among inspectors on the border and their reliance upon driver's licenses. If you do not have integrity in the driver's licenses that are issued, the integrity of those documents, the securities of those documents, then it really undermines the whole premise of allowing U.S. citizens to travel abroad and come back with limited proof of U.S. citizenship without a passport. More than 160,000 people cross the border in San Diego daily here simply flashing a State license allows them to be waved through. It promises to be a focal issue in the upcoming California gubernatorial recall election.''

Republican State Senator Tom McClintock, a recall candidate, said the only reason for issuing state-approved identification to illegals is ''to undermine our immigration laws.''

''What Gray Davis has done by signing this bill is put politics before the people of the State of California,'' Assemblyman Tony Strickland said.

''The California legislature failed the people of California. Governor Gray Davis has failed the people of California when he signed the bill into law. He said he didn't care about California, but he cares about his job in Sacramento. It is about a last-ditch effort to save his career,'' said Assemblyman Dennis Mountjoy.

The California Republican Assembly has issued a call for the referendum to stop the new driver's license ordinance. They hope to obtain 373,816 signatures of registered voters within the next 90 days to make the March 2004 ballot.

California Republican Assembly President Mike Spence commented, ''To lower the standard for getting a driver's license in this era of al Qaeda and the era of identity theft is an attack on every citizen of California.''

The California Republican Assembly has started a Web site to support the petition drive.

Mr. Speaker, it is, again, incredible for us today to think that this is happening in California and it is happening in other States. It is incredible to think about the fact that many States now give all kinds of opportunities and benefits to people who are living here illegally, those benefits that have heretofore been given only to people who we call citizens, or at least legal residents, of the United States, the benefit of citizenship, like having the State taxpayers pay to subsidize your child's education, both in K–12 and higher education. Now many States say let us do that for illegal immigrants, the benefits of social services, the benefits of health care, and, yes, even the benefits of voting.

What is left? What is left to define the idea or the concept of citizenship? What does it mean? Has it any value whatsoever? If everyone in this country, regardless of their legal status, can obtain all of the benefits afforded to those people who are here legally, then what does it mean to be a citizen of this country?

The distinction is erased, and that is the hope and desire of many of the people who actually push these kinds of issues. It is to eventually come to a place where borders are eliminated, where people who are here can obtain all of the benefits of citizenship by simply being a resident.

There are cities in this Nation that provide people who are here illegally with the benefit of voting. College Park, Maryland, comes to mind immediately, not too far from here. They call themselves sanctuary cities, and you can vote if you can prove you are a resident of the city. The Mayor of the District of Columbia not too long ago proposed such a thing for residents of the District of Columbia; and of course Gray Davis has done exactly the same thing by giving residents of the State of California a driver's license, because under motor-voter, they now can vote.

So, what does it matter then when we use the word ''citizenship''? There is a recent flap that has developed over the fact that the Bureau of Immigration Enforcement has come up with a new oath of citizenship. I think they recalled it because there was such a response on the part of many people. They were re-writing the oath of citizenship.

But let me suggest to you that the concern about the actual words that are used in that oath, that concern is misplaced, I think, because, of course, the oath will eventually mean nothing, because citizenship, the concept of it, the reality of it, will mean nothing.

When we talk about immigration and immigration reform, many people think that we are just talking in terms of jobs, the loss of jobs, which, of course, is a real concern. Many people are just talking about the fear that we have as a result of our Nation being balkanized, being divided up into all kinds of sub-groups, of victimized groups, that refuse to become part of the American mainstream, that do not even wish to integrate into our society.

But this debate about illegal immigration is even broader than that. I believe with all of my heart, Mr. Speaker, that massive immigration into the country, both legal and illegal, combined with this cult of multiculturalism that permeates our society and tells people that they should not immigrate into the American mainstream and they should keep their own language and their own political relationship and political affiliation to country of origin, this is a dagger pointed at the heart of America.

It is as dangerous as al Qaeda; it is as dangerous as any terrorist out there

who is plotting to do something terrible to this country. Because, Mr. Speaker, I will tell you now that if we do not know who we are as a Nation, if we are divided up into all these camps, into these groups, victimized sub-groups in America, then we will have no strong desire to save our civilization and our way of life, because we do not know what it is, we do not know who we are, we do not know what holds us together, we do not know what binds us together as a Nation.

We can all revel in and enjoy the differences that we have in this country, the cultural distinctions that give us such a rich texture as a Nation. We can enjoy it. I certainly do. But that is a far cry from disassociating oneself from this country and actually seeking only the economic benefits that it can provide, while simultaneously trying to connect oneself, or, I should say, retain one's connections to countries of origin, which, if they were so great, if those countries of origin are so wonderful, one wonders why millions of people have sought to leave them.

In a recent Los Angeles Times article, September 15, 2 days ago, by Claire Luna, she states that ''painted on the cheeks of children waiving grandly from a balcony and planted in women's hairdos, Mexican flags were on display everywhere Sunday in Santa Ana as tens of thousands of people showed pride for their home country.''

Showed pride for their home country. What does that mean? What is their home country? Do they not live here? Do they not obtain the benefits of living in this land? Do they not call themselves Americans? Do they not think of themselves as Americans?

Mr. Speaker, if I asked you what is your home country, if I asked anybody in this body what is their home country, if I asked any American citizen out there, what is their home country, how many would answer to me some country other than the United States of America?

Now, I am only a third-generation American. My grandparents came here from Italy. But never, ever, ever, have I thought of myself as anything but an American. Never have I thought of my home country as anything but America.

''The Fiesta de las Americas parade commemorating Mexican Independence Day drew the largest crowd in its 15-year history,'' police said. For 2 hours, spectators cheered for their home states,'' home states, ''in Mexico, as girls in traditional dress pranced among marching bands, government dignitaries and mariachi floats. It is so important that all Mexican remember how their liberty was won.''

Their liberty, if they are living here, was won by people who sacrificed their lives in the fight against Great Britain. That is how their liberty was won.

''The parade helps reaffirm our pride in our love of Mexico.''

Well, Mexico is a wonderful country. I do not dispute that, and I do not suggest for a moment that anyone should, if they are from Mexico, should forget about it or not understand that they have that heritage. But there is something happening here, Mr. Speaker, that deserves our attention, because this is what I am talking about, about a country being divided into all of these sub-groups, being balkanized.

This article goes on to say that, ''Corona, the vending machine stocker, was watching the parade with his brother-in-law Roberto Mundo, 38, and Mundo's two children. To shield his eyes from the sun, Corona shoved a piece of cardboard over his head and was reduced to wordless glee when passing Orange County Sheriff Mike Carona gave his headgear a thumbs-up. His power of speech returned when a dozen folks and women passed by on a Budweiser beer float. 'You are beautiful,' he screamed happily in Spanish, and when they threw him a poster. 'People used to be too scared of being deported to come to something as public as this,' Mundo said, 'but times have changed. Now people aren't scared to show their pride.' ''

So what he is saying here is, of course, that many, many of the people who were on the street were here illegally, but they do not care anymore about the fact that they are here illegally. They are not afraid, they are not concerned, because they know that this government does not have the will to enforce our own immigration policy.

There is a book, Mr. Speaker, in closing, that I would certainly suggest should be mandatory reading for every American citizen. It is called ''Mexifornia: A State of Becoming,'' by Victor Davis Hanson. I will just read something from the cover:

''Cutting through the lies of race-hacks, multi-cult commissars and their guilty white enablers, fifth generation Californian Victor Davis Hanson tells the brutal truth about Mexican immigration to California. Combining social-science fact with the personal experience of living in the San Joaquin Valley, immigration's ground zero, Hanson shows that discarding the old paradigm of immigrant assimilation in favor of the fantasies of identity politics victimhood has seriously compromised the process of turning into Americans the millions of hard-working Mexicans who desperately want the freedom and prosperity underwritten by the very values that the multi-cult industry disparages. No one concerned with immigration and its impact on America can afford to miss this tough and brilliant book.''

And I certainly agree. ''Mexifornia: A State of Becoming.''

California is a State I guess that represents what we are all, every State in the Nation, in some stage of becoming, somewhat transformed. To some, even in this body, that is a good idea. That is something to which they look forward, a Nation that no longer understands its roots, a Nation that is divided, a Nation that is balkanized, a Nation that is just a place of residents and not of citizens.

□ 2130

Mr. Speaker, that is where we are going. That is where we are headed. And most Americans know it. And they ask their representatives in this government to do something about it. And yet I have to tell them when they ask me why we cannot and why we ignore this, I have to tell them that there is no political will to secure our own borders.

It is a shameful fact, Mr. Speaker. It is one I wish I did not have to express and did not have to state. But it is the truth. I hope it will soon change.

THE DEFICIT

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Virginia (Mr. SCOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCOTT of Virginia. Mr. Speaker, I want to begin on something we can all agree on and that is what President Bush said in August at an August fundraiser. He said, ''I ran for office to solve problems, not to pass them on to future Presidents and future generations.''

We can all agree on that, but, unfortunately, the reality is that instead of paying off the public debt by 2011, as we had projected in 2001, this administration will leave the future generations with a debt of almost $7 trillion as of 2011.

Now, rather than get into rhetoric and everything, let us just use a chart so we know exactly what numbers we are talking about. This shows the deficit year by year from the Johnson administration, Nixon, Ford, Carter, the deficits that were run up in the Reagan and Bush years, and also shows the surplus that was generated by the time President Clinton left office.

Mr. Speaker, in 1993 we passed a budget without any Republican votes. The Republicans, after those votes were cast, campaigned against that budget that was passed, and picked up 50 seats in the House and control of the Senate as a result.

In 1995 after the 1994 election, the Republicans, with control of Congress, passed a budget with trillions of dollars in tax cuts. President Clinton vetoed that budget. They threatened to close down the government. He vetoed the next budget. They closed down the government, and he vetoed the budget again.

Because he vetoed those budgets, this trend went up until we had a surplus of almost $100 billion projected for 2001. And that is on budget. That is without touching the Social Security or Medicare surplus.

As soon as President Bush came in, he signed the trillion dollar tax cuts. And, wait a minute, this has $500 billion in deficits. This is the February

projection. This has been updated. It is no longer $500 billion. The latest figure is almost $700 billion in deficit that we will be running up.

Now, it is important to put $700 billion in perspective because if you look at the Federal budget and look on the line item revenue, individual income tax, what we get from the individual income tax in the Federal budget, it is less than $800 billion. We are running deficits now of almost $700 billion.

Now, when we run up deficits like this as far as the eye can see, one can understand how we got from where we were in 2001 to where we are now. In January 2001, we expected by 2011 to have run up a surplus of $5.6 trillion, enough to have paid off the national debt. By August of 2001, we had lost over $2 trillion of that surplus, and the surplus was projected to be $3.4 trillion. Now, most of this is Social Security and Medicare, because in August of 2001, we had actually spent all of the cash surplus and most of the Medicare surplus, and were headed into Social Security by August of 2001, before September 11; by January of 2002, the projected surplus, $1.6 trillion, almost all Social Security and Medicare surplus, or what was left of it, after we have dipped into it significantly.

By August of 2002, there is almost no surplus at all, that is, we have spent the entire Social Security, the entire Medicare surplus for the entire 10 years. By March of 2003, we are down to an actual deficit where we have spent all of the Social Security, all of the Medicare, and then $377 billion. By August of this year, we have gotten into so much deficit spending that the projected deficit, not surplus, deficit is over $2 trillion in that same 10-year period.

And what is the solution? The Republican agenda will run this up to $3.3 trillion unless that agenda is stopped. Mr. Speaker, a $5.6 trillion surplus projected when this administration came in. If their policies are followed in the next couple of months, $3.3 trillion in deficit, an almost $9 trillion difference. That $9 trillion, remember, less than $800 billion a year comes in under individual income tax; $9 trillion is $900 billion a year on average that we have deteriorated in our budget situation.

Now, as bad as that is, it is actually going to get worse, because those projections do not include some things that we expect to happen, like the tax cuts have been sunsetted; the President is expecting us to remove the sunset so that those tax cuts can continue. Protecting the middle-class families from the alternative minimum tax, that is the tax where if you have tax preference, tax cuts for the upper, very high income, high income, about a couple of percent, about 3 percent of the public pays the alternative minimum tax. That is, you cannot reduce your tax that you need to pay but by so much before you have to pay an alternative minimum tax. The effect of not protecting middle-class families from this alternative minimum tax will mean that they will lose the benefit of their child tax credit and many other tax benefits that they enjoy now. So if we protect them from that, that will cost even more, going right to the bottom line.

Providing a Medicare prescription drug benefit, all of those numbers, as bad as they look, do not include the prescription drug benefit that everybody is promising. It also assumes that we are not going to have any hurricanes or disasters or floods or earthquakes in the next few years. So it is going to get worse before it gets better. When we run up all of those deficits, we run up debt, and we have to pay interest on that national debt. Here is the interest on the national debt that we have projected to pay going down towards zero by 2011 or 2013, because there would be no debt; it would be paid off. Instead, this is the interest on the national debt that we are projected to pay. And if we look at the difference between what we have to pay and what we are going to end up paying, by 2010, that will be $1.6 trillion of additional interest on the national debt that we are going to have to spend because we have messed up the budget.

Put another way, these green bars represent the interest on the national debt that we were going to pay going down towards zero. These red bars, interest on the national debt that we are going to have to pay because we have messed up the budget and we have been running up deficits. This blue bar puts it in perspective. This is the defense budget. We are going to be spending by 2013 almost as much money in interest on the national debt as we are going to be paying for national defense. We get nothing for interest on the national debt. We do not get a single school book, we do not get a rifle for the military, we get nothing for interest on the national debt. And instead of zero, we are going to be spending almost as much on interest on the national debt as we do for national defense.

Now, to show how the interest on the national debt is affected, right now, if we take the entire interest on the national debt, divide it by the population and multiply by 4, we will see that the family of four's proportional share of interest on the national debt is now about $4,400. As the interest on the national debt goes up, by 2013, almost $8,500, a family of four's proportional share of interest on the national debt.

Now, how did we get there? We got there with tax cuts. And who got the tax cuts? This is divided up by quintiles, the bottom 20 percent and what they got out of the tax cuts. The next 20 percent, the middle 20 percent, what they got. The share of the fourth percentile, the top 20 percent, this is what they got. Half of the tax cuts went to the upper 1 percent.

To put it another way, if you are a millionaire, you got about $89,000 out of the 2003 tax cut. If you made $500,000 to $1 million, you get a little less than $20,000, and you can see what you got. Half the people get less than $100 a year out of the 2003 tax cut.

Now, we were told that we needed to cut taxes to create jobs. The millionaires got their tax cut; we ran the budget into a deficit in order to create jobs. And here is the job creation math. Mr. Speaker, $374 billion in tax cuts through 2003 only, and we are expected, if the plan works, to create 1.5 million maximum new jobs. That is the Treasury Department's estimates. We pass all of this stuff, give $374 billion in tax cuts, we can create 1.5 million jobs. That divides out to almost $250,000 for every job that they are trying to create. Mr. Speaker, $250,000 they have to work with to create jobs, if it works.

This chart shows the jobs created by administrations going back to the Truman administration, and it shows that it did not work. This actually needs to be updated because it says 2.5 million jobs lost. It is actually closer to 3 million now. If we go back to the Truman administration, every President is creating jobs. Eisenhower lost 200,000 jobs in his second administration, but he gained 1.9 million in his first administration. So every President since Truman, more jobs when they leave office after each administration than when they came in, except after this administration's budget was adopted.

Now, as we talk about 9–11, let us remember that back to the Truman administration includes the Korean War, it includes the Vietnam War, jobs are being created; hostages in Iran, jobs are being created; Somalia, the entire Cold War, Kosovo, everybody is creating jobs until this tax plan is adopted.

Now, actually, we should have known, because the Joint Committee on Taxation evaluated the 2003 tax cut and showed that if you cut those taxes, now some taxes stimulate the economy better than others. Some tax cuts stimulate the economy better than others. According to their analysis, the taxes cut in 2003 would show a short-term spike in jobs; but depending on which economic model we use, at best, we are going to end up right back where we started.

□ 2145

You will probably end up with fewer jobs than you started off with. This analysis was presented by the Joint Committee on Taxation. It has a Republican majority. And so we knew when we voted for the 2003 and 2001 tax cuts that we were killing jobs.

Now, when you have all of these deficits and you look at this chart, and the deficits that are going by, the deficits are the worst that we have had in American history. Now, there is one thing that the Social Security crisis is in front of us, and we need to make sure that we have money for the baby boomers when they retire for Social Security.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM), who has

been a stalwart on fighting for fiscal sanity.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding to me. I thank him for a very excellent presentation of the facts.

I know as often we have stood in this floor that I will get calls from some that have been watching and they will have various different opinions of what has been said and what the facts are, but let us relate it to what we are facing tonight, at least many of our fellow citizens somewhere in the North Carolina area as Hurricane Isabel bears down on the United States, and we still hope and pray that something will cause it to veer back out into the ocean. But in the meantime folks are preparing because they know the devastation that can occur when a hurricane hits.

In my opinion, we have the makings of the perfect storm in this country today, 500, now $600 billion deficit as far as the eye can see and we are ignoring it, $500 billion trade deficit as far as the eye can see and going up and we are ignoring it.

The baby boomers are set to begin retiring in 2011, and everyone admits that that will put one of the biggest strains on the economy of the United States in our history. The gentleman's chart shows it today and no one argues with that, no one. From the AARP up and down all admit we have got a problem. And what have we done about that problem? Zero. Talk about it. But nothing. The makings of the perfect storm. And every time I make this speech somebody will say, and I have heard this said, people will stand up and say if only Congress would control spending.

Well, the first thing I like to do is remind the American people that my friends on the other side of the aisle have been in charge for the last 8 years. I make no bones about it. I opposed this administration's economic game plan when they put it in place in 2001. I stood on the floor, I stood with the gentleman from Virginia (Mr. SCOTT) standing, looked at my friends on the other side and say, I hope you are right. I hope I am wrong. But I do not believe it has a chance of working. And in 2002 we said the same thing. In 2003 we say the same thing. But have we had a change in the economic direction for this country? No. The hole gets deeper and what do we do? We take another shovel and start digging. That makes no sense.

Let me put it in proper perspective. Those who say if only we would control spending, let me give another fact, if we take defense, military construction off-budget, which we are, exempt from cuts, because we cannot cut in those areas when we are at war on three fronts, and we will not cut, and we should not cut. We have got young men and women's lives at stake tonight and, therefore, we do not wish to jeopardize them further. Interest on the national debt, we cannot cut that.

The gentleman's chart shows the debt tax that is going up as the interest rates continue to spiral. We cannot cut the interest. So if you take defense and interest off-budget or off-cut it, we can cut 100 percent of the other 11 appropriations bills, 100 percent, not waste, fraud and abuse, not 1 percent here, cut it all out, zero for the rest of the government, and we would still run $160 billion deficit next year.

Now, that is the truth. That is how deeply we have dug the ditch for the American economy. Now, if it were working, as the gentleman shows the jobs charts, we have lost 2.7 million jobs. Nothing is working according to plan, and yet we have those who absolutely refuse to even consider changing the plan. In fact, they will stand on this floor and argue over the next several weeks, as they have for the last several weeks, that we just got to do more of it.

The makings of the perfect storm. Anybody that ignores the power of a hurricane, anybody that ignores the power of the perfect storm of $500 billion deficit, this next year I will predict based on the administration's own numbers, the deficit for this country will be closer to $1 trillion than it will $500 billion, and nobody cares. Nobody cares that is in charge. It is just more of the same.

I am worried about that. I wish some others would get worried about that. I thank the gentleman for taking the time tonight. I appreciate the opportunity to share in it. And I hope that this chart that the gentleman has right behind him tonight, I hope people will take a look at that because we can talk about the fiscal deficit, we can talk about the trade deficit, and they are all real. This one is too. And our grandchildren will not hold us in very high stead because this Congress and this administration have refused to address the very real problem that is facing us. Instead, we keep on with some of the economic bunk that I saw in the Washington Post by the fellow that is running, running the economic policy for this country, Mr. Grover Norquist, the expert, it is his plan and he wants more of it.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM). This is the chart he was referring to. We are enjoying surpluses in Social Security and Medicare, $165 billion projected next year in surpluses. But by 2017, 2018, that surplus is going to end. The baby boomers are going to retire, and instead of enjoying a big fat surplus, in a few years, just a couple of decades, we will have $300 billion deficit in the Social Security Trust Fund. We will be having to pay out $300 billion more than we are bringing in.

Mr. STENHOLM. Mr. Speaker, remember in the last couple of years how many times we have stood on this floor and voted to put those numbers in a lock box, and that was laughed at. But if we would have just done it, and we did for a couple of years, but we need to be doing it today because those are obligated funds, those are obligated to the retirees beginning in 2011, our military retirees, our civil service retirees, this is money that is obligated that we are again spending on current operating expenses. And it was a valid criticism and it is still an accurate statement when our friends on the other side of the aisle will stand up and say, well, you Democrats did it for 40 years. Well, that may be true but that is not a reason for us to continue to do it, because 2011 is a lot closer today than it was 40 years ago, and that is the problem we face.

Mr. SCOTT of Virginia. Mr. Speaker, I would want to point out as challenging as this chart looks, we are running up a little surplus, but we will shortly be into great deficit. And to put some of these other numbers into perspective, as we indicated, in 2001 we passed a tax cut that the top 1 percent got half of the value of that tax cut. Instead of giving the top 1 percent a tax cut, if we had directed that income flow into the Social Security Trust Fund, just what the top 1 percent got, not what everybody else got, we would have had enough money to pay Social Security benefits without reducing benefits at all for 75 years, or the top 1 percent can get a tax cut.

Guess what the majority in Congress voted for? They voted to leave this problem for another day and voted for a tax cut for the upper 1 percent. Those are the kinds of decisions that are being made and the kind of decisions that have to be changed.

Mr. Speaker, that is why I am delighted to recognize our friend from Hawaii who has been a stalwart new Member coming in fighting for budget sanity, the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I thank my colleague for giving me some time to talk tonight.

Mr. Speaker, I have been privileged to serve in this great House for about 10 months now and I am thankful that as each day passes that is one day more of experience that I have under my belt to serve my constituents and to listen to people that have been through this for so many years such as the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. SCOTT) and so many others.

But I have to state that the more time that goes by in terms of my service in Congress, the more I live in fear that in each one of those days I am taken a little bit farther away from what the person in my district thinks. When people sit around their kitchen table at night, not when they sit here in this Chamber among all of us in this closed atmosphere, but when they are back in my district of Hawaii, when they are back in Honoka'a and Ele'ele and Kahului, and when they look over those 5,000 miles of what is happening here in Washington, D.C. what do they

think? And I live in fear that I am falling out of touch with them the more time that I spend here. And that is really how I feel right now as I listen to this debate. Because I came into this Congress 10 months ago thinking, perhaps naively, that there were certain truths that our Federal Government played by, certain truths about how we handle the people's money, not just today but down the road. I thought we cared about decisions that had an impact, not just now, but down the road. I thought that despite great debate in this Chamber, we actually did care about being good stewards of the people's money. I thought we were all in this together, all of us, all of America, all trying to do the right thing.

It did not occur to me that we were here just to do the bidding of some. And now as I have listened to my colleagues talk about taxes and the Federal budget and the deficit for these 10 months, colleagues on all sides of the aisle, people in the administration, great thinkers, I see indisputable evidence that what was once on the way to being a surplus is now a deficit this year in excess of $500 billion, including the Social Security surplus. We applied that $200 billion already.

Now, I see public debt climbing through the roof, 3.6 and rising. And as I come to the very slow realization that there is no way whatsoever under this approach that we will be able to meet those obligations to Social Security and Medicare when my generation needs it, I have to ask myself what is going on here? What is really going on? How do I explain this? How do I go back into Hawaii and say to them this is what is going on.

I can take disagreement, I can take policy disagreements as long as I know and understand it. I can go back and say, well, there is a dispute between us in Congress and they think this and we think that and this is why. And I can certainly go back and say this is the issue. We all agree and this is why. But this is the worst situation of all, not understanding why something is being pursued.

A few months after we passed hundreds of millions of dollars of tax cuts, we get an obviously underestimated second bill for Iraq and Afghanistan, and there is no adjustment necessary from the administration's perspective, $87 billion on top of $60 billion just a few months ago. But we do not have to adjust our policy on tax cuts. In fact, we want to add more.

The same week we get the bill I read, I hear that all of the sudden we have worked out another deal. This time we are going to cut corporate taxes for corporations that do their work overseas, overseas corporations. What is going on here?

□ 2200

I have been wracking my brain for the possibilities. I have heard that these tax cuts will regenerate the economy, and I think tax cuts can regenerate the economy under some degree if targeted, but across-the-board deep tax cuts that deny us the basic ability to fund the core functions of government upon which an economy is based, do not help economies.

I have heard the economy is picking up. I have heard in a couple of days we are all going to be told good news, the economy is picking up. Guess what? That is already in these figures. We have already assumed 3 percent growth, and by the way, what economy would not pick up if you gave it a steroid infusion of hundreds of millions of dollars in government spending on war and domestically and in tax cuts? The question is not what is going to happen to the economy next week, the question is what is going to happen to the economy down the road when we most need it to balance the books on this terrible deficit?

I have heard we have to reduce government. Of course, we have to reduce government, but by the way, this budget assumes a certain restriction on government. We are already putting it in, and to reduce government to the degree that would be necessary to balance the budget, under this scenario, would mean essentially wiping out all Federal spending other than military, defense-related, and I have heard the deficits do not matter. They are here to stay, let us just get used to them. Does anybody really believe that? People sitting around that kitchen table sure do not believe it, and I do not believe it.

So what is going on here? Why are we doing what we are doing? I am forced to conclude what I do not want to. This is not subject to explanation anywhere in the realm of reasoned thought. There is no reasonable explanation for this policy, and we have got to cross a bridge. There is no reasoned explanation. We expect Congress to be reasoned. This is not reasonable. This is haphazard. This is reckless. This is not about fiscal responsibility. It is not about economic theory, and it is not about taking care of the next generation. This is about helping part of our country now and the heck with the rest of us and the heck with the future.

It reminds me, just in conclusion, somehow I was thinking about this steroids thing, and I was remembering that back in the 1960s, when the Olympic movement suffered from an incredible abuse of substances and people would inject themselves with all kinds of stuff, and they knew at the time that by injecting themselves with these steroids and other substances they knew two things. They knew, number one, it would enhance their performance for the next 1 or 2 years, and they knew that down the road it would harm them and they would die early from these steroids, and some did it and some did not, and why did those people that do it do it? Because they wanted the gold medal next year, and they did not care and that is how I feel. That is what I think we are doing right now. Some people here just want to get through one next year, and they do not care what happens down the road, and that is wrong.

We are all responsible. We can sit here and talk about partisan politics. We can talk about Republicans versus Dems. We can talk about executive versus legislative branch. We can talk about the States, the local counties, and by the way, I think that is a useful exercise because I have heard some State Governors and some local executives who want to defend these policies say, hey, this will help, and by the way, they turn around the next day and criticize the fact that we do not have enough Federal moneys. They are at a loss to figure out how they are going to balance their State budget, and they say, well, everything is okay and then they turn around and say on the other hand, it is not okay, we need your help.

We cannot have it both ways, and I am telling people out there, this problem is all of ours. We cannot do this alone. We have sat here on this floor saying all of this for months now, and the Representative from Texas asked who is listening. I think people are listening, but it is going to take more than listening. It is going to take the people of this country saying this is wrong. It is going to take the people of this country saying, yes, we know, we cannot have it all.

I wish our President would say one thing to me: We need another $87 billion to get ourselves through the next couple of months in Iraq. We are in a pickle. We have got to get out of that pickle. I need your help but we all have to kick in. We cannot afford this next round of tax cuts. We have got to be able to provide for our foreign policy right now. We cannot have it both ways.

I would believe him and I would support him, but I cannot buy the current approach of this administration, designed only to get through another 15 short months, through one more election. That is wrong. People need to wake up and start speaking out against it.

I thank the gentleman for yielding and appreciate his time.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to ask a question since the gentleman brought up the issue of the $87 billion for Iraq. I remember back in the Persian Gulf War where the total cost of the war was about $60 billion, but because we had international cooperation, we only had to spend less than $10 billion, $7.4 billion out of that.

We have already had one supplemental already that was supposed to cover the cost of the war. Now, we are coming back with $87 billion. If we had had the international cooperation, instead of 87 would we not be talking closer to 10, and that is a direct result of this foreign policy?

Mr. CASE. There is no question about it. Certainly, when we did these budget assumptions just some short months ago, when the administration

said that the cost would be $60 billion, maybe a little bit more, the assumption was international cooperation. The assumption was contribution, military assistance, international monetary policy, all of those aspects. Those assumptions were shaky. Those assumptions are part of this $87 billion today and the $87 billion is too low, and the $87 billion is not in these figures that we are talking about. We are assuming more for the $87 billion. We are not even factoring in what might come in the future. This is all part of one ball of wax.

When you run a family budget, you do not take the lowest estimate. When I project my expenses in my family, yeah, there is a temptation, sure, there is a tremendous temptation to take the lowest possible estimate. We all know that that is not responsible. You take a responsible estimate, you add yourselves a little safety factor, and then you go on into the future feeling that you have at least covered reasonable exigencies.

We are not doing that in this budget. We are not doing it, and yet we are still in trouble. That is the dilemma here. We cannot have it both ways. We all know it. We just have to wake up to it.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for fighting for fiscal sanity.

At this point, I would yield to the gentleman from North Carolina (Mr. PRICE) who has been a stalwart, helping other Members every Wednesday morning, helps us with the seminar on budgeting and other important issues. The gentleman from North Carolina has been working diligently on fiscal sanity, helping us to learn about the budget, bringing in speakers from the outside and I am delight to yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank our colleague from Virginia for taking out this special order and for focusing attention again this evening, as he has so often in the past, on our country's economy and our fiscal meltdown which so threatens that economy in the future.

I also want to commend the gentleman from Hawaii, who talked very persuasively about the need to wake up and to speak out and to confront the situation that we face.

I am sure that I am not alone in the experience I had during the August work period in the town meetings I held in my District, and these meetings were held in some blue collar areas. They were held in some upscale, very affluent suburbs. They were held all over the 4th District of North Carolina, and I was struck at every one of those meetings, it was the economy that was the number one item on people's minds, and so many of those people were unemployed, and they often had very good training but they talked about having 100 or 200 people applying for every job they went after, and they talked about friends and family members and neighbors who are nearing desperation as they seek for work in this economy.

They ask why are we not doing more to turn this economy around? Is that not why we count on government to have a sound fiscal policy and to intervene when the economy needs a boost?

I said to my constituents, I don't have a single, simple answer to the economy's challenges, but I do know that this economy is in trouble, and I also know that we could be and should be doing a great deal more than we are doing to get this economy turned around.

Mr. SCOTT of Virginia. I would ask the gentleman if he noticed that there is a problem, is the gentleman concerned that this administration does not even recognize that there is a problem?

Mr. PRICE of North Carolina. Mr. Speaker, I am quite concerned that the administration does not recognize the problem, but when we look at the administration's record, we would think the economy would be agenda item number one with them as well.

The private sector has shed 3.3 million jobs since January 2001 when President Bush took office. That is the worst record for any President since the Great Depression. Our long-term unemployment has almost tripled in this country. Real GDP growth, the growth of the economy has averaged 1.6 percent. That is the worst performance since World War II. Real business investment has fallen 10 percent since the President was inaugurated. That is the worst economic record for any President since World War II. Our trade gap has increased to almost $100 billion. Do we need anymore indications that this economy is in trouble?

We are also running record deficits. The gentleman from Virginia and others tonight have talked in alarming terms, properly alarming terms, about the fiscal reversal we have suffered with a $5.6 trillion surplus in view when the President took office, now going way over $2 trillion in further debt. That is an almost $9 trillion reversal now, the largest in our country's history.

We might ask ourself is there any justification for the kind of deficits that we are running, and I think the answer is no, but we could at least take some comfort if we thought that we were getting some economic stimulus for all that deficit spending and for those huge deficits and the mounting debt, and yet who can say that this medicine is working. In fact, the evidence is pretty clear that it is not working.

In fact, the President has picked some of the measures that are least likely to stimulate the economy, such as the tax cut on dividends, for example. That produces a grand total of 11 cents for every dollar in lost revenue in terms of economic stimulus, and he has turned his back on some of the most effective measures such as the kind of extension of unemployment benefits that we have typically done in situations like this. This gives us $1.76 for every dollar we spend in terms of economic stimulus, and yet he turns his back on that. He champions these upper-bracket tax cuts. Yet all the analyses show that is one of the poorest ways to stimulate the economy. So we have the worst of both worlds.

Mr. SCOTT of Virginia. Mr. Speaker, by that the gentleman means for every dollar in lost revenue, what effect does that have on the GDP, and whether or not you actually stimulated the economy, and what did you say for, if you extend unemployment compensation, for those that lost their jobs, as we usually do in a recession, end of 26 weeks, we extend it another 13 weeks just routinely, how much of a stimulus is that to the economy?

Mr. PRICE of North Carolina. The figure I recall is about $1.76. That is because people who are in those straits are trying to support their families and tide themselves over until they can get work. So they are going to turn around and spend that money immediately.

Mr. SCOTT of Virginia. For every dollar in lost revenue, you stimulate the economy about a dollar seventy?

Mr. PRICE of North Carolina. That is right.

Mr. SCOTT of Virginia. Mr. Speaker, what did you say about stimulating the economy by reducing the tax on dividends?

Mr. PRICE of North Carolina. Eleven cents. Eleven cents. That is the stimulus you get for every dollar of lost revenue.

So there must be some other reason, do you not think, for that tax cut on dividends and for those tax cuts on the wealthiest people in this country. For people making over $1 million, tax cuts that average about $88,000 a year, and yet that money is largely not going to be used as an economic stimulus.

Mr. SCOTT of Virginia. When you fund the tax cuts with borrowed money, you have to pay interest on the national debt which is a drag to the economy.

Mr. PRICE of North Carolina. Absolutely. That is money down a rat hole as the gentleman very convincingly, maybe did not use quite those elegant terms, but that is what the gentleman said earlier. That is money anybody in this body could think of better public and private uses for than simply interest on the national debt.

So the economy is in sad shape, and we are getting the worst of both worlds. We are not getting an economic stimulus that is anything like what we should be getting, and yet we are over the cliff fiscally. We are undergoing a fiscal reversal that will take us and our children decades to grow out of.

The unemployment numbers are graphically demonstrated here. The unemployment rate now from a very, very low figure in early 2001, now up in the range of 6 percent, hovering here

for months now, and there are a few scattered economic indicators that are looking somewhat better, but the term ''jobless recovery'' has entered the lexicon because there certainly are not many jobs being produced.

What I heard at my district at every meeting I had in August was that this is not just an abstract economist estimate. This is something that is affecting the real lives of real people. They are nearing desperation, and this actually underestimates the problem because there are many, many people who have good training, good experience, and yet they are taking lower-end jobs now that really cut their standard of living. So it is a tremendous challenge for our country, and one that I believe this administration barely senses.

□ 2215

Mr. HOLT. Mr. Speaker, as the gentleman points out, economists are trying to pull this apart to understand how this perfect storm occurred. This will be the subject of economic studies for years to come, but one thing that is already apparent and will be apparent is this is not something that just happened to America; this was something that was created. It was created by the budget resolutions of 2001 and 2002 and 2003 and the appropriations and the tax bills that fulfilled those budget resolutions.

Mr. PRICE of North Carolina. The gentleman is absolutely correct. We have had an economic downturn that was more severe than expected, and 9–11 and homeland security expenses and expenses associated with the war on terrorism. Those demands needed to be met, and they will continue to be met. But the large tax cuts aimed mainly at the upper-bracket taxpayers, I think that counts as self-inflicted damage. It was justified 2 years ago because we had surplus money, supposedly, and now it is being repackaged as a stimulus even though it has very little stimulative effect. It mocks the idea of self-sacrifice, and that is the centerpiece of this President's economic policy.

Mr. EMANUEL. Mr. Speaker, I think the deficit has now become the centerpiece of his economic policy.

If we look at the administration's projection over the next 6 and 7 years, on the deficit going out to the year 2011, they actually borrow money every year consistently regardless of how big or how small the deficit will be from the Social Security surplus. Every year that is done. To mask the size of the deficit, they must borrow from the Social Security trust fund.

Mr. SCOTT of Virginia. They borrow the Social Security surplus and the Medicare surplus. And depending on which projections are used, they are spending substantially more money than that every year, creating huge deficits and a $9 trillion turnaround, paying off the entire national deficit, to massive deficits and new debt and new interest on the national debt for years to come.

Mr. EMANUEL. And the irony is as these deficits mount, tuition costs are rising 11 to 15 percent annually, and the ability of college assistance like the Pell grants, which once represented two-thirds of college cost, today represents less than a third with no ability to increase that. Health care inflation is running at an average of 15 to 25 percent, and there are no resources to deal with the two most important factors driving health care costs up, that is, we now have a record uninsured of 45 million, and we have prescription drug costs running 15 to 70 percent increases. Those are contributing factors to the increase in health care inflation. Those two factors in my view are creating tremendous pressure on the middle class of this country. We do not have the resources or the means nor a plan to deal with them. The deficit will tie our hands and tie the Nation's ability to address the very things that are squeezing on the middle class family's budget.

Mr. HOLT. Mr. Speaker, the deficit ties our hands not in some theoretical way. This is very real money borrowed, mostly borrowed from other countries, from other governments and individuals overseas.

I was talking with someone from my district who was proudly telling me about how much money he is saving for his children's college education. But what he was not thinking about was how quickly his share of the national debt was growing. In fact, it turns out it is growing faster than what he is saving for his children's college education. So in a very real sense, these self-inflicted wounds, as you described the budget policies of the past 3 years, are taking this family's college savings away from them.

Mr. EMANUEL. Mr. Speaker, to add to that point, we have 45 million uninsured folks in this country with no health insurance. The bulk of them work. We have a pension crisis and retirement plan crisis where there are $330 billion in arrears in private retirement plans. We have college education where families face a choice, take a second mortgage on their home, or the child is guaranteed to graduate $30,000 to $40,000 in the hole because they borrowed to go to college. And then we have the Nation's deficit on top of that which ties our hands and our ability to meet the needs of middle class families, whether their parents are retiring, health care needs to their own families and children, as well as the education of their children.

I believe that the deficit if we look at how it grows over a period of time is actually a ticking time bomb underneath Social Security and Medicare. In the immediate time, we are not able to afford the basic services and needs that our government provides in helping families meet the dreams that they have for their children, providing health care and education so they too can do what their parents have done and build a better future for their children.

So the deficit, although sometimes we want to ridicule it and people call it an abstract thing, people understand the consequences of the deficit as they try to do what they try to do for their own family and children. They cannot afford their health care and college education; and they are scared out of their wits when they come to retire, neither Social Security nor the plan they thought they had through their employer will be there. I think people understand that the deficit is in fact damaging the ability of both their government today and their own plans for tomorrow to be met.

Mr. PRICE of North Carolina. And people certainly understand when the claim is made that the deficit spending is for economic recovery. They are very quick to see the hollowness of that promise because it clearly is not having that effect. In fact, it is deepening our problems. It has an impact on long-term interest rates.

Mr. EMANUEL. Mr. Speaker, in 2½ years, we have added $2.5 trillion to the Nation's debt and 2.5 million Americans have lost their jobs. As Ronald Reagan used to say, facts are a stubborn thing, quoting former President John Adams. In the short order of 2½ years, 2.5 million Americans have lost their jobs, 45 million Americans are without health insurance. $1 trillion worth of corporate assets have been foreclosed on, and 2 million Americans have come out of the middle class to poverty, and we have added $2.5 trillion to the Nation's deficit. A record like that is starting to give mismanagement a bad name.

Mr. HOLT. Mr. Speaker, a newspaper article put this in perspective for me. The writer pointed out when the President went before the American public a week ago to say that he would be asking for $87 billion this year to pay for rebuilding Iraq and Afghanistan, and that would require some sacrifice, the writer pointed out that those who are being asked to make the sacrifice did not hear the President because they had already been put to bed by their parents. It is those children who will bear that burden, who will be asked to make that sacrifice and not just for rebuilding Iraq and Afghanistan; it is for this multi-trillion tax cut to one segment of our society.

Mr. EMANUEL. It is interesting that the President's request for rebuilding Iraq has a $2 billion request for Iraq's electric grid, and it was America with the blackout. In our energy bill, we say we do not have the money to invest in our own electric grid.

Mr. PRICE of North Carolina. Mr. Speaker, this did not have to be. There are historical examples of other kinds of leadership. This chart indicates where we have been with the deficit and for a brief couple of years the surplus in this country as a result of some courageous decisions that were taken

in this body and by the first President Bush who displayed leadership qualities which unfortunately seem to be missing at the White House right now.

There was a budget agreement in 1990 concluded on bipartisan terms, and then a budget passed entirely with Democratic votes in 1993; the economy responded positively to that discipline and it thrived in the 1990s, and we got out of deficit spending and ran $400 billion in surpluses and paid off a chunk of that national debt. Just think what would be the case if we could have continued on that path.

Mr. SCOTT of Virginia. Mr. Speaker, the projection was by 2011 and 2013, we would have paid off the entire national debt and had no interest on the national debt to pay year after year.

Mr. HOLT. I seem to recall standing here on the floor with the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. PRICE) 3 years ago saying that the majority should not be so quick to spend this surplus. They began salivating at the sight of this projected surplus. I recall my friends here saying number one, it is projected; number two, things happen. We should not spend it all down. We should not give it all back in tax cuts; there might be some unforeseen events. Well, indeed there were. It happened on September 11; it happened with a stock market bubble popping. We were caught unprepared because the budget allowed absolutely no leeway. It was built on the most optimistic of circumstances and predictions, as well as, I would say, the greediest of ingredients.

Mr. PRICE of North Carolina. Just to add to the gentleman's thought, we got off of a disciplined path toward debt reduction. Whatever else we did in the way of new investments or tax cuts, we certainly should have reserved a certain amount of that anticipated revenue to protect Social Security in the future and to protect ourselves against exactly the kind of eventuality we are now facing.

I thank the gentleman from Virginia (Mr. SCOTT) for a helpful discussion. As we face this $87 billion supplemental appropriations request, of course, we will do the right thing by our troops in Iraq and Afghanistan and meet our international obligations, but we will and we should ask some tough questions of this administration for an accounting of where we have been thus far and where we are going, and above all, how we are going to pay for this and how this fits in with the overall fiscal health of the country we love.

Mr. HOLT. The gentleman from Hawaii (Mr. CASE) said it very well, it would be easier for us to deal with this with the $87 billion, with all of the economic problems facing us, if the leadership here and the leadership down the avenue would level with the American people about how this happened. I think that is what the American people ask, is that their leaders level with them and not just go on as we go further into debt have the leadership say and now we need tax cuts more than ever. I thank the gentleman from Virginia (Mr. SCOTT) for this very useful discussion.

Mr. SCOTT of Virginia. Mr. Speaker, I want to end with this chart that reminds people of the hole that we have dug ourselves into. And when people ask what is the Democratic plan, I just point to the green because that was done without any Republican assistance, and here we are right now. As we look at how dire this situation is, we have to look forward to the Social Security situation where we will not enjoy a nice surplus year after year. We are going to have a challenge of deficits in the Social Security plan that we could have covered with just what the 1 percent got in the 2001, not the 2003, not what everybody got, but the top 1 percent got in 2001 would have been more than enough to cover all of this deficit. But we have a challenge with Social Security, and we are going in the wrong direction. I thank all Members that participated tonight because we have to remind people how bad a situation it is.

□ 2230

We can change directions as we did in 1993 and go back to fiscal sanity, go back and do a surplus, pay off the national debt, or we can continue in the direction we are going now. We will make those decisions in the upcoming weeks. I thank the gentlemen for participating.

IRAQ WATCH

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

Mr. HOEFFEL. Mr. Speaker, I rise tonight to start another of the Iraq Watches that we have been conducting for the past 2 months or so. The first night of each week that we are in session, a group of us come to the floor to talk about Iraq, to talk about the fortunes of our fighting forces and our relief workers who are toiling in that country. We talk about the problems that we see, we suggest changes in our national policy, we ask questions of the administration and seek answers, both for the Congress and for the American people. I have been joined each week, and I will be as well tonight, by the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Illinois (Mr. EMANUEL). We have often been joined by other Members. We would welcome all Members of the House to participate tonight or in future Iraq Watches. Democrats and Republicans are welcome to participate during this hour of discussion.

Mr. Speaker, recently the President has sought $87 billion for fiscal year 2004 to pay for our military operation and reconstruction activities in Iraq. That number is larger than rumored a couple of weeks ago, caught most Members of Congress by surprise, although we knew a big request was coming certainly, on top of the $79 billion requested and approved last April for fiscal year 2003. Many of us feel that we need more information from the administration at this point before dealing with this supplemental request for $87 billion for activities in Iraq. No one in this Congress wants to do anything that hurts the troops in the field. Of all the things going on regarding Iraq, the diplomacy, the reconstruction, the comments about weapons of mass destruction, the comments about our allies, the activities of the Ambassador, Mr. Bremer, of all the things happening in Iraq, the only truly good thing is the behavior of the troops. Our young men and women in uniform have performed brilliantly during the period of time when active warfare was under way and during the period of time after victory was declared by the President but the guerrilla war has continued and over 100 Americans have been attacked and assassinated by those guerrilla warfare tactics in Iraq, the men and women of the Armed Services have really performed brilliantly and have done all Americans proud. So the issue is not whether we support the troops in the field. We all do. Of course we do. And we also want to make sure that we live up to our commitments, that we see this challenge through. Some of us who engage in Iraq Watch, such as myself, voted in favor of the military authority sought by the President last fall. Some of us voted no. But all of us understand, now that the military activity has occurred, we have an obligation to see this process through. We cannot cut and run. We cannot leave Iraq with no functioning government. We cannot leave a vacuum, a power vacuum that would allow the bandits and the bad guys to resume power using the weapons that they have and once again subjugate innocent Iraqi civilians. But in the face of this very large request for $87 billion, about two-thirds of which would go to our military operations and about one-third of which would go to reconstruction costs, many of us in Congress feel that we need more information from the administration.

I would put into three categories the questions that we have and the information we are seeking: The first is simply more information on the cost of our activities, the length of time that the military operations would be expected to continue, the length of time that the reconstruction would last, accurate information regarding the whereabouts of the weapons of mass destruction, the casualty lists of American soldiers wounded and otherwise incapacitated in Iraq. We need more good information about what is happening over there, and we need the full truth about the problems and the bad information that is happening there. The administration has not been as

forthcoming as most of us would like it to be over the past 6 months. And now that an $87 billion request has been made for the upcoming fiscal year, this is the time surely for President Bush to come clean with Congress, to level with the American people, to provide answers to these questions, to provide as much information as possible regarding not only the current activity in Iraq but what he foresees coming down the pike in terms of cost, timetable, manpower needed, resources needed, what the prospects are for being joined by allies and friends. We need more information.

Secondly, related to that but I think a second category, we need a specific plan for what will be happening in Iraq, really in two parts. One for the internationalization, if you will, of the activity there and the second half of the plan would be how to get Iraqis back in charge of Iraq. In order to internationalize the operations, we need to turn to our traditional friends and allies, to international organizations such as the United Nations, perhaps NATO, to seek their support, to seek their manpower, to seek their dollars and their resources to help rebuild Iraq, to help empower the people of that country economically and to bring a new government and a new freedom and democracy to the Iraqi people. I do not believe America should try to do that alone. I do not believe we have got the resources to adequately do that when we are facing the huge budget deficits that we already face in this country. We need our friends and allies to be involved. Of course we all remember the virtual stiff-arm that the President gave to our friends and allies in the run-up to the military activity in Iraq. There was an arrogant unilateral approach to our diplomacy, what I called at the time a cowboy diplomacy that indicated to our friends and allies that we did not need their help, that we could go it alone, that they should get out of the way, particularly the old Europe, as the Secretary of Defense characterized it, and allow us to do our thing without a lot of hassle from our pesky allies. Of course it is those ''pesky allies'' that we are going to now, that the President is seeking support from, that the President is hoping by going to the United Nations that he can attract into what seems to be a quagmire in Iraq.

So we need a plan here. We need more than the President saying, we're going to go to the U.N. and seek their support. We need to know how that support will be put together, how much of it we need, how much of it we have a realistic chance of securing, what it will take to get the United Nations fully engaged. It seems to me that one thing it will take is to allow the United Nations to do its job as a peacekeeper and a reconstructor and a redeveloper of nations, as a nation-builder, if you will. Because that is what the United Nations is there for, to nation-build, a concept that was disparaged by the President when he was running for office but a concept that he now embraces, although not by name, as he is urging that America, virtually alone, undertake nation-building in Iraq. Most of us would like to see this process internationalized. We need to see a plan from the President to figure out how to do it, how long it will take and how much it will cost.

The second part of the plan we need is to determine how to get Iraqis back in charge of Iraq. It will not be easy to do that. Iraq does not have a tradition of self-government. It does not have a tradition of democracy. I believe that all people in the world are capable of self-government. I think all Members of the Congress believe that, but those that do not have a tradition of it, those that have dealt with powerful elites in their country that have abused average citizens, recognize that they need assistance. They need assistance building the institutions of liberty and democracy, institutions like a free press, institutions like a free and corruption-free court system, institutions such as a civil society, documents like a Constitution, a written Constitution that all members of a country, all groups within a country have a stake in and have a role in determining. All these things have to be accomplished in Iraq and we need to know how to do that, how to build these institutions of liberty.

We need to know a timetable: How long is it likely to take to get Iraqis back in charge of Iraq? What will it cost? How much support do we need? How much training must there be? How much do we need to expand the existing interim governing committee that has been created? Who else needs to be involved in establishing that group, to give it more credibility and a greater representation from all segments of Iraq? So we clearly need, after we get more information from the President of the United States and after he develops and gives us a plan for both the internationalization of the reconstruction and how to get Iraqis back in charge of Iraq, the third thing that we need is an exit strategy, when can we leave, how long must we stay and how much will it cost us to do the things that are needed?

As I said at the outset, all of us, whether we voted for or against the war in Iraq, understand now that we have conquered the nation. In a rather crude phrase, we now own the nation. We cannot walk away. We have a moral obligation to see this situation through, to make sure that there is a stable and representative and hopefully democratic government in Iraq before we leave or the Western powers leave. But we also need to know from the President before we vote this $87 billion what that exit strategy is and how long he thinks it will take and what standards we want to accomplish in achieving the status that would allow us to leave. And how will we measure our progress toward that date when we can leave? We have to know where we are going in order to get started. At least I would recommend that. It seems like an awful lot of what has happened in Iraq got started without knowing where we are going and we should not allow that to continue any further. Keep in mind, this war was waged at a time of our choosing and it would seem to me that the American military and the administration would have done a better job with the planning for both the war and the postwar activities. One thing Congress has not done well regarding Iraq in the last year is require that information to be divulged and the plans to be articulated and the exit strategy to be set forth. The one great power Congress has, the one great constitutional power is the power of the purse. We control the pursestrings. We determine how much money is spent. That power ultimately, slowly but ultimately brought the Vietnam War to a close a generation ago. We must exercise that power of the purse now, responsibly, in a way that is true to American ideals, that keeps our commitments to the people of Iraq but nonetheless that clearly sets forth our constitutional requirements and obligations to control the pursestrings, to make sure we know how American taxpayer dollars will be spent and make sure that those dollars are spent pursuant to full information from the White House, a plan from the White House on how to internationalize the reconstruction and how to put Iraqis back in charge of Iraq, and, finally, spending money pursuant to an exit strategy.

□ 2245

When will it end and how will we know that it has ended? I call upon the President to give that information to the Congress in order for us to cast an educated vote on his request for $87 billion.

At this point I have been joined by the gentleman from Massachusetts (Mr. DELAHUNT), my colleague and senior member from the House Committee on International Relations and an eloquent member of the Iraq Watch. I welcome the gentleman.

Mr. DELAHUNT. Mr. Speaker, good evening, and I thank the gentleman from Pennsylvania (Mr. HOEFFEL) again for being the driving force behind our weekly efforts to raise questions that we believe have to be answered to educate the American people and to educate Members of Congress as to what direction prospectively we should undertake.

I think for a moment, though, we should go back and review our earlier call to the President to agree to an independent commission to examine the intelligence that was the basis for American military intervention into Iraq because there continue to be questions raised by senior members of the administration, and if the gentleman will remember, our insistence on an independent commission was to depoliticize such an effort. I think we

had discussed here one evening the possibility of the commission that was chaired by two former Senators, one a highly-respected Republican from New Hampshire, Warren Rudman, and another former Democratic Senator from Colorado, Gary Hart. They chaired a commission which tragically foretold almost in a way that eerily predicted the tragedy that beset America on September 11 and the need to address it.

I think it is important to note that that particular commission filed its report some 8 or 9 months before September 11. In fact, I think the exact date was on February 15, and unfortunately no action was taken on that particular report. I do not mean to suggest that it would have in any way forestalled September 11, but I guess the answer to that rhetorical question is that we will never know if we had acted earlier, both Congress and the Bush-Cheney Administration.

But in any event, that independent commission, for example, would address such questions as to the purported links between al Qaeda and Saddam Hussein. I believe that most Americans that are conversant with the intelligence have reached the conclusion that there is absolutely no evidence whatsoever that would link al Qaeda to Saddam Hussein and that Saddam Hussein had anything to do with September 11. Was he an evil tyrant, a despot that wreaked havoc on his people? Of course. I think there is unanimity among the American people and Members of Congress on both sides of the aisle that, yes, the world is better off by having Saddam Hussein out of power. But I think it is important not to just simply accept the fact that there is linkage between al Qaeda and Saddam Hussein because, again, most intelligence reports and intelligence analysts have been very clear that no such intelligence exists.

However, this past weekend, I do not know whether the gentleman had an opportunity to hear the Vice President again suggest, not directly but suggest, that somehow Saddam Hussein was behind September 11. He raised the issue, for example, of the ring leader, the operational ring leader of al Qaeda and its attack on September 11, an individual by the name of Mohamed Atta as having met a senior Iraqi intelligence agent in Prague, Czechoslovakia, when our own FBI has indicated that there are documents that establish that Mohamed Atta was, in fact, in the United States during the time involved. And what I found particularly disturbing is that that senior Iraqi intelligence officer whom it was alleged that Mohammed Atta of al Qaeda met with in Prague, Czechoslovakia in April of 2001, 4 or 5 months before September 11, he has been captured. He has been captured by the American military, and media reports indicate that he refuted the claim, that he was very clear, he never met with Mohamed Atta. And all intelligence analysts that have spoken on this particular issue or have had conversations with Members of Congress indicate that there is no basis in fact for that allegation, and yet the Vice President, when interviewed by Mr. Tim Russert on Meet the Press, raises that issue again. I am sure there is confusion among the American people when they read well-respected journals, when they listen to thoughtful programs on these particular issues, and while not without some equivocation, the Vice President of the United States continues to use the Mohamed Atta meeting in Prague as a basis to establish a link between Saddam Hussein and al Qaeda.

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

Mr. DELAHUNT. Certainly.

Mr. HOEFFEL. Mr. Speaker, I am afraid that there is very little confusion among the American people about that. Unfortunately, the polls show that two thirds of Americans believe that Hussein was behind 9/11, even though as the gentleman from Massachusetts has correctly pointed out there is not a shred of evidence that Saddam Hussein, as evil as he is, there is no evidence that he was behind 9/11. But the administration has repeatedly suggested it. The Vice President's television appearance on Sunday was one of a long series of such suggestions. The President himself in his speech of a week ago wanted people to believe that stopping the terrorists in Iraq was part of dealing with the people that have led to 9/11, and it is a repeated theme of the administration, and it is a shame. I can only conclude that it is not only a misleading effort to make a false connection, but it is an intentionally misleading effort, and this is a tough situation. It is tough enough to try to find out what happened. It is very unfortunate that the American people have been fooled in that way. Hussein is bad enough. We should deal with him for his own evil record, and we do not need to fool people or to draw false conclusions, and I commend the gentleman for pointing out in great detail this problem.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, there was a report today, a front-page story in my hometown newspaper, the Boston Globe, and just let me read an excerpt. ''Multiple intelligence officials said that the Prague meeting, purported to be between Atta and a senior Iraqi intelligence officer by the name of Ahmed Khalil Ibrahim Samir al-Ani, was dismissed almost immediately after it was reported by Czech officials in the aftermath of September 11 and has since been discredited further. The CIA reported to Congress last year that it could not substantiate the claim while American records indicate Atta was in Virginia Beach, Virginia at the time, the officials said yesterday. Indeed, two intelligence officials said yesterday that Ani himself,'' this senior Iraqi intelligence official, ''now in U.S. custody, has also refuted the report. The Czech Government has also distanced itself from its original claim.

''A senior defense official'' in this particular administration ''with access to high-level intelligence reports expressed confusion yesterday.'' A senior defense official within the administration himself expressed confusion ''over the Vice President's decision to reair charges that have been dropped by almost everyone else.'' He said, ''There isn't any new intelligence that would precipitate anything like this,' the official said, speaking on condition he not be named.''

But this underscores the need to have this independent commission. Again, the prototype is there, the Rudman-Hart Commission that did such an outstanding job in terms of depicting the threat of a terrorist attack against the United States months before September 11, statements like that that were made on Meet the Press create confusion. Let us be clear, there is no one, it would appear, in the administration other than the Vice President that would not agree that this piece of evidence has been discredited. Why create confusion? Let the case for the military intervention rise and fall on the facts. That is all we ask. And as we have said consistently among ourselves during the hour that we spend here, some of us supported the President in terms of the request for a resolution authorizing the military intervention. Others of us disagreed. But let us eliminate the confusion. Let us just get to the truth, the truth with no political overtones, the truth so that the American people can have confidence in the integrity of our intelligence. Let us not continue to reair, as the report in the Globe indicated, a piece of evidence that, yes, this administration relied on substantially as establishing a link that somehow Saddam Hussein was behind 9/11. I mean it is not right, and it is not fair to the American people. I mean prominent antiterrorism experts such as Vincent Cannistraro that many of us have observed on CNN and other news shows and is well-respected among his colleagues, he is a former CIA agent and I am quoting him, said that Cheney's ''willingness to use speculation and conjecture as facts in public presentations is appalling. It's astounding.''

□ 2300

Well, I do not know, but I do know this: this underscores the need to depoliticize as we go into a Presidential campaign a review of the intelligence in the information that led this administration to launch a war. And that received considerable support from Congress.

Because today at a hearing in the Committee on International Relations, a subcommittee hearing on the Middle East, Undersecretary John Bolton stated that, relative to Syria, all options were on the table, including regime change. And that was the position of the President and the administration. He was testifying relative to Syria and its weapons of mass destruction. So I

presume that includes a military option.

Is this administration going to have any credibility if it goes before the international community and indicates that we will exercise that military option in the case of Syria? And what about North Korea? What about Iran?

We have got to sustain our credibility. And the best way to do it is to have an independent commission comprised of prominent Americans whose credibility is unimpeached, who are not, as we all are, impacted or influenced by the politics of an election campaign, whether we be Democrat or whether we be Republican. The American people have a right to the unvarnished truth.

Mr. HOEFFEL. Mr. Speaker, before we introduce some colleagues that have joined us, I want to echo the gentleman's comments and join his call for an independent commission to review the intelligence that was collected and analyzed before we went to war and to review the use that that intelligence was put to.

I can tell this House that I attended a briefing with about 20 Members of the House, a bipartisan group on October 2, 2002, at the White House in the Roosevelt Room where George Tenet and Condoleezza Rice briefed this bipartisan group of Members.

And the representations were made by those two leading members of the administration that with complete certainty they were sure that Saddam Hussein had an active weapons of mass destruction program, that he had an active biological weapon component, an active chemical weapons component, that he was restarting a nuclear component, that he was quite likely to be giving these weapons to terrorists and the rest. And there was no uncertainty expressed whatsoever.

We have now learned, as reports have been declassified, that the White House was being told in a September, 2002, Defense Intelligence Agency report and in an October, 2002, National Intelligence Estimate that there was great uncertainty among the intelligence agencies, including Mr. Tenet's CIA.

The parts that had been declassified have been reported in the press, phrases such as ''no credible evidence existing of an Iraqi chemical weapons program.''

I have read those reports that the House Permanent Select Committee on Intelligence has made available to Members that have not yet been declassified.

While none of us are free to quote what we have seen, we can talk about our conclusions. And just as the published reports have indicated, what I read was full of uncertainties, expressed hesitations, ''we are not sure about this,'' ''we are not sure about that.'' But that is not at all what the administration figures were telling Congress in private briefings or to the American people in public statements, repeated as recently as Sunday, as the gentleman from Massachusetts (Mr. DELAHUNT) said, the Vice President repeated.

So we need a bipartisan, independent commission to study the intelligence and its usage before the fighting started in Iraq, because it is hard to conclude anything other than the Congress and the American people were not told the full truth; that we were told things existed with complete certainty, that the administration was telling them that, when in fact when they were making those claims there was great uncertainty.

I would like to ask the gentleman from Ohio (Mr. STRICKLAND) to share a few words.

Mr. STRICKLAND. I want to thank the gentleman from Pennsylvania.

I was standing here listening to the gentleman, and I am thinking to myself, these are very serious accusations; that this administration, this President, his staff, were not fully candid with the American people, and consequently we find ourselves in a situation where today the polls tell us that a vast majority of the American people believe that Saddam Hussein was in some way responsible for what happened on September 11, 2001. There is no credible evidence to support that conclusion. The President needs to say so.

I watched Vice President CHENEY on television this past Sunday. I was stunned that even at this time, after the evidence is so crystal clear, he is still holding on to these, what I would consider, fabrications. The American people I think can be trusted with the truth. But without the truth, the American people simply do not know where to go for the truth or who to believe.

Now, I was listening to the two of you earlier in my apartment, and I wanted to come over and share something that I think is relevant to this discussion, at least in a tangential way.

Earlier today, I was over on the Senate side participating in a House-Senate joint committee meeting of the Committee on Veterans' Affairs. The national commander of the American Legion gave testimony to us today, and he told us what we all know, that we are underfunding VA health care by $1.8 billion.

Now, I think it is relevant, because the President has recently come to us and he has asked for $87 billion additional, on top of what has already been appropriated for fiscal year 2003. $87 billion.

As the gentleman has said and we all believe, we will do whatever we must do to care for our troops, to make sure they have adequate equipment and protection, and I understand $300 million to $400 million of that request from the President is to perhaps purchase body armor for our soldiers, armor that I think they should have had a long time ago, because, as I shared not many nights ago on this floor, I got a letter from a young soldier in Baghdad saying that the men in his group were concerned that they had cheap armor that was incapable of stopping bullets; and they wondered why they could not have the best protection possible under the circumstances.

But, anyway, of this $87 billion, a large part of it will go to providing for our troops, and we want to support that; but approximately $20 billion, my understanding is, approximately $20 billion is for the reconstruction of Iraq.

The question that I think the American people should be asking the President and this Congress is what are your priorities? Why is it so easy to ask for multiple billions of dollars for Iraq and for the rebuilding of Iraq, when we are underfunding our most basic needs here at home, veterans health care, by $1.8 billion?

If there are veterans listening, they may think STRICKLAND can't be telling the truth. This President would certainly not take such a position with VA health care. I would just encourage them perhaps to contact their veterans service organizations, the VFW, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Vets. All of these groups know what is happening to VA health care.

□ 2310

It just troubles me that we seem so willing to ask for so much for Iraq and for other places around this world and yet we are neglecting the most basic needs at home. And surely, if we are going to set priorities, we should put the American needs first and other needs second or third or fourth.

So I just wanted to point that out. I think it is appropriate that we ask the administration these questions: what are you going to do with that money? And one more thing before I stop. Mr. Speaker, before this last request for $87 billion, a lot of money had already been spent in Iraq, and my understanding is the Halliburton Corporation, the former employer of Vice President CHENEY, received an unbid contract in the range of $1.7 billion. I think it is appropriate that we ask the President to commit to us that if we approve this funding that he has asked for, that none of it, absolutely not a dollar of it will go to corporations, Halliburton or any other corporation under an unbid process. The American people need to know that the tax dollars they pay and the money that is appropriated for these needs are spent wisely, and we ought to have an open, transparent process. No more of this unbid contract stuff that leaves us wondering, at least I am wondering, whether or not there was some deal, whether or not there was some sweetheart arrangement that enabled this company or some other company to get access to large amounts of American tax dollars without having to go through a competitive bidding process.

I think that is the least the administration can do, is to make that commitment to us.

Mr. Speaker, I appreciate my colleagues allowing me to participate tonight. I will stick around and listen to what else is going to be said here. I thank the gentleman.

Mr. HOEFFEL. Mr. Speaker, I appreciate the gentleman's comments, as always. We have been joined by our colleague, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I am glad to be here. I just want to relate to my colleagues a couple of communications that I was very impressed with that I got in the last 2 days. The first was from a letter from a marine who is from Colfax, Washington, who was very early in the operation in Iraq, who is now recovering in Colfax after he was involved in an incident where a tank basically slid off a road and came down and crushed and killed the Marine standing right next to him and totally crushed this Marine's leg. They thought they were going to have to take it off. He has kept it, and he is now trying to get some weight back on it and he is recovering. It was a remarkable letter I got from him because he talked with great pride about his service. He talked about his feeling for the Iraqi people, and he talked about the importance of the prayers and condolences he has received from all over the country. He got letters from all over the country helping him get through this time of crisis. And it was really heartening just trying to read this letter in the midst of what we have been talking about, about substantial controversy about what happened in Iraq, to read a letter from somebody who felt so proud of his service and is still in the recovery mode. Our prayers and thoughts are with him. And I will not mention his name because he is a humble person, so I will not mention his name tonight.

The second communication was on absolutely the opposite end of the spectrum of at least how I viewed the communication, and that was a communication from the Secretary of Defense, Donald Rumsfeld, who went to Iraq a few weeks ago and toured Iraq. He was asked in Iraq, Mr. Secretary, what did you find about the weapons of mass destruction upon which you based a war, upon which you sent thousands of Americans, hundreds of whom are never going to come home and many, many are going to come home to a disability they are never going to recover from. And his answer was stunning to me. He said, you know what? I was just too busy. I did not ask about that.

Here is an official of the administration who sent our sons and daughters to war based on a premise which has obviously turned out to be false from the information we have today, who went to Iraq and who was apparently so embarrassed about this failure, this massive failure of intelligence that this administration was responsible for on multiple occasions, and he said he was too busy to ask about our search for weapons of mass destruction in Iraq. In fact, we have 1,500 people at least who have been scouring Iraq for months now to try to find evidence of weapons of mass destruction and have not turned up a gram of weapons of mass destruction.

To me, this administration has some answering to do to the American people, and this body of the U.S. Congress has an obligation to get to the bottom of why this false information led us into a war. That is why I am proud to say I am one of the Members calling for a bipartisan, bicameral investigation, led by a prominent Republican, to find out why our sons and daughters were sent into war based on this faulty information. We have an obligation to get to the bottom of that, not only for our soldiers and sailors who are at risk, but for the future of our future security efforts.

When we deal with Iran, when we face the challenge in Iran, which is a real nuclear threat, with a real nuclear program; in North Korea, which is a real nuclear threat with a real nuclear program, we cannot go to the international community under this cloud of suspicion. We must peel it away, we must get light, we must remove this wound to our Nation's credibility, and we need this commission to get that done.

Mr. Speaker, I want to tell my colleagues I am just astounded by what I heard this weekend from the Vice President, realizing that it is a tough job that we are in. But I was just shocked and I want to quote what I am told he said. I did not see the interview, but I am told he said in part, he said, ''So what we do on the ground in Iraq, our capabilities here are being tested in no small measure. But this is the place where we want to take on the terrorists,'' meaning Iraq. ''This is the place where we want to take on those elements that have come against the United States.''

After we have had 1,500 people scouring Iraq for months, and the intelligence service that reported to us that the two highest al Qaeda people we had in captivity told us they did not have anything to do with Saddam Hussein, because they did not trust him because he is a seculist and they are fundamentalist Islamists; the Vice President of the United States stands for the American people and said we are just going to go after al Qaeda in Iraq. Where is the shame? We have to get to the bottom of this.

I want to make one more comment about what we are in right now. This is history, but it is something that we have to peel back to find out what happened, and that is where we go from here. I think there is some responsibility now. No matter how we got into this, there is a mess in Iraq. But I want to point out that the difficulty we face in mobilizing support for this is in part because of the administration's failure to level with the American people at the beginning about what this project was going to cost.

I was just at a charity event and I ran into a gentleman who works for the American Society of Civil Engineers. He showed me this report card that the Society of Civil Engineers just did about the status of American infrastructure in this country, and they basically gave a grade to all of our infrastructure: our bridges, our roads; wastewater had a D, drinking water had a D, dams a D, solid waste, C plus, hazardous waste, D plus, energy, D plus. Basically, America's infrastructure, GPA, D plus, with a backlog of investment needs of $1.6 trillion, $1.6 trillion to fix our electrical system and our roads and our bridges and our schools. But this President cannot afford to do it when he wants the taxpayers to shell out $20 billion for the infrastructure of Iraq, because he will not give up the tax cuts that have jeopardized our ability to move forward in this country. I yield to the gentleman.

Mr. DELAHUNT. Mr. Speaker, the estimates that we as Members of Congress were provided by the administration. If my colleagues remember, the head of the office of OMB, the Office of Management and Budget, which is an arm of the White House, informed us that the cost of the war was going to be $50 billion. Well, the truth, and this is what the American people have to understand, we are already at $166 billion, and that is the down payment.

Mr. HOEFFEL. Mr. Speaker, does the gentleman remember that Lawrence Lindsey of the White House Budget Office lost his job when he suggested that the war in Iraq would cost between $100 and $200 billion? And as the gentleman says, that is exactly what it has cost to date, yet he got fired for telling the truth.

Mr. DELAHUNT. But I would say to the gentleman, the truth is, that is a down payment.

Mr. HOEFFEL. That is right.

Mr. DELAHUNT. We are on our way, folks, we are on our way to $1 trillion.

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

Mr. DELAHUNT. Mr. Speaker, I will yield on that, to my good friend from Hawaii (Mr. ABERCROMBIE) and a member of Iraq Watch.

Mr. HOEFFEL. The occasionally late, but always eloquent and passionate member from Hawaii.

Mr. ABERCROMBIE. Well, that is because we are bringing the hammer of inquiry down on the anvil of truth here, or the anvil of inquiry for sure.

□ 2320

The anvil of inquiry for sure. Part of what we are being asked to do and what you have been discussing tonight has to do with the new payment, the latest, I should say, the latest payment. But think about what happens when the Secretary of Defense says, oh, we are making progress, when the delegation from the Congress of which I

was a part was the first to enter, actually enter Baghdad after the attack on Baghdad was over.

Remember, they had a group went in and stayed at the Baghdad airport. They came in. We drove in. We came down that long road from the airport into Baghdad. The last delegation that just went had to be flown from the airport into the compound where Mr. Bremer is and where the troops are because they cannot go on that road any more. I remember coming in this road. I said, We are going to have to have 10,000 troops just to guard the road in from the Baghdad airport because you have the road and you have desert and that means you can come in. Remember, I called upon Thomas Edwards Lawrence, T.E. Lawrence, where is your spirit? Where are you now that we need you? Because you cannot guard that road. All it takes is a cell phone and a trigger mechanism to be able to attack these vehicles.

So when you talk $66 billion or however you want to break this down, and I hope that we are going to break this down before we vote any money for this, we have to take into account you will need thousands and thousands of troops, longer and longer time at greater expense than even has been mentioned here tonight just to guard the road.

Mr. DELAHUNT. Mr. Speaker, I do not know if you saw ''Meet the Press'' this last Sunday, but again the Vice President refuted the need that was expressed by the Army Chief of Staff, General Shinseki, that several hundred thousand troops were necessary to bring stability. We have what would appear to be a position that is intransigent, that is in denial, if you will.

If I can for just one moment bring something up that I found particularly ironic, Secretary of State Colin Powell this past week visited Halabja, which is where some 5,000 Kurdish Iraqis lost their lives because of the use of chemical weapons by Saddam Hussein. The Secretary asserted that in this little farming town nestled in Iraq's barren northern mountains, this was ample evidence that former President Saddam Hussein's government possessed weapons of mass destruction and justified, and justified the U.S. decision to go to war. That occurred in 1988 and it was despicable. And what should have occurred was the international community should have responded at that point in time, convened a war crimes tribunal, affected the arrest of Saddam Hussein and brought him to justice for that.

The President at that time was this President Bush's father, or rather in 1988 it was President Reagan. The now-Secretary of State was the then-National Security Advisor to President Reagan.

I find such irony in that because it was many of the same individuals who approached Saddam Hussein to indicate that they were tilting towards the Saddam Hussein regime in its war against Iran. It is the now-Secretary of Defense Donald Rumsfeld who is the special envoy who went and shook the hand of that thug Saddam Hussein in 1982. He was then taken off the terrorist list; Saddam Hussein was taken off the terrorist lists, and that opened up opportunities for the Iraqi regime.

In 1984 full diplomatic relationships were opened between the United States and Iraq. In 1986, in 1986 we installed an embassy in Baghdad. The American people should know that. In 1988, in 1988 this heinous crime was committed against the Iraqi Kurds in the town of Halabja, and here we are some 15 years later hearing the Secretary of State suggest that this was the evidence, the predicate, if you will, to our intervention.

Now, the story does not end there. The story does not end there. Because it was the President's father, the Bush administration according to a Congressional Research Report that blocked congressional action, that blocked congressional action to impose sanctions on Iraq for committing that crime against the Iraqi people.

Let me read because I think it is important that the American people hear this. I have never heard it stated. This is our own Congressional Research Service, an independent body: ''In late 1988 after reports that Iraq had used chemical weapons against the Kurds, the Senate on September 9 passed by voice vote to impose financial and trade sanctions and severe restrictions on the transfer of technology to Iraq. On September 27, the House passed a bill by a vote of 388 to 16; but the bill was not taken up by the Senate. The bill would have prohibited sales to Iraq of any munitions-listed items and called on the President to place import and export restrictions on Iraq, end credit and loan guarantees, and oppose multi-lateral assistance to that country if Iraq did not stop using chemical weapons and agree to international inspections.''

Similarly, in May through July of 1990, just before the first Gulf War, the administration helped block action or defeat several measures in both Houses that would have restricted U.S. sales credits, loan guarantees, insurance support in international lending institutions, and trade preferences for Iraq.

The administration helped block action. Of course we knew that he used chemical weapons. In 1990 we knew. And what did we do about it then? We blocked congressional action, the then-administration blocked congressional action.

So the irony of the Secretary of State being in Halabja and suggesting that that was the predicate for military intervention, what irony.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I want to posit a reason why the administration is trying to reach back for this, for a justification for this war. And the reason is they refused to recognize that they used false information to lead this Nation into a war, and they have two options at this point. One is to stonewall and search for any justification they have, and now they are focusing on something that happened in 1988 during the previous Bush administration or shortly before that administration.

What they should be doing is embracing our approach, which is to find out why this happened. We think the President should be looking for the people in the administration and holding them accountable for why when they find out why this happened.

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He ought to be on our side trying to find out why the administration let down the American people, but no, no. Instead, they want to stonewall this. Stonewalling is not an answer to help this country move forward into how we are going to solve this problem, but it is an indication of what problem the administration has.

This administration has always wanted to sugarcoat this war for the American people and think it was going to be roses and tax cuts for the whole way. It is about time the administration started talking the truth.

Mr. ABERCROMBIE. I think our time is probably at an end.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for joining me this evening. The Iraq Watch will be back next week.

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. DOGGETT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, September 17 and 18.

Mr. HENSARLING, for 5 minutes, September 17.

Mr. CHOCOLA, for 5 minutes, September 17.

Mrs. BLACKBURN, for 5 minutes, September 17.

Mr. NORWOOD, for 5 minutes, today and September 17 and 18.

Mr. PAUL, for 5 minutes, today and September 17 and 18.

Mr. CUNNINGHAM, for 5 minutes, September 17.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 17.

Mr. OSBORNE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 17.

Mr. FEENEY, for 5 minutes, September 17.

Mr. HUNTER, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

ADJOURNMENT

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 17, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4278. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

4279. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Naval Air Systems Command Headquarters Administrative Support and Patuxent Administrative Support in Mechanicsville, MD; to the Committee on Armed Services.

4280. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates for P.L. 108-69; to the Committee on the Budget.

4281. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Energy and Commerce.

4282. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); to the Committee on International Relations.

4283. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c), 50 U.S.C. 1730(c) and 22 U.S.C. 2349aa-9(c); to the Committee on International Relations.

4284. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on International Relations.

4285. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) Concerning the Development of the Future Fire Control System (FFCS) for Multiple Launch Rocket System (MLRS) Upgrades between the United States and the United Kingdom as pursuant to Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4286. 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 after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4287. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Government Reform.

4288. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4289. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2002, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

4290. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made under the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services, pursuant to Public Law 106-561, section2806(b); to the Committee on the Judiciary.

4291. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Fifth Annual Report to Congress and the activities during Fiscal Year 2002 as pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

4292. A letter from the chairman, National Transportation Safety Board, transmitting the Board's Fiscal Year 2005 Budget Estimates Request to OMB, pursuant to Public Law 93-633; jointly to the Committees on Transportation and Infrastructure and Appropriations.

4293. A letter from the Secretaries, Departments of Defense and Health and Human Services, transmitting a report on the evaluation of the Medicare Subvention Demonstration Project for Military Retirees entitled ''Evaluation of the Medicare-DoD Subvention Demonstration: Final Report,'' pursuant to Public Law 105-33, section 4015; jointly to the Committees on Armed Services, Ways and Means, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes; with an amendment (Rept. 108–270, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2152. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program (Rept. 108–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; with an amendment (Rept. 108–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 370. Resolution providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes (Rept. 108–273). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 7 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 or rule XII the following action was taken by the Speaker:

H.R. 7. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 16, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. NADLER, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEINER, Mr. SCHIFF, Mr. LANGEVIN, Mr. SCOTT of Georgia, Ms. CARSON of Indiana, Mr. SANDERS, Mr. CROWLEY, and Mr. MORAN of Virginia):

H.R. 3084. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. LEE, Mr. CASE, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. SERRANO, Mr. FROST, Mr. ETHERIDGE, Mr. VAN HOLLEN, Ms. SOLIS, Mr. RODRIGUEZ, Mrs. JONES of Ohio, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Ms. WOOLSEY, Mr. BECERRA, Mr. ACEVEDO-VILA, and Mr. CARDOZA):

H.R. 3085. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 3086. A bill to increase penalties for obstruction of justice and false statements in terrorism cases, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of

the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, 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. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. BAKER, Mr. RAHALL, Mr. COBLE, Mr. DEFAZIO, Mr. PLATTS, Mr. COSTELLO, Mr. GRAVES, Ms. NORTON, Mr. QUINN, Mr. NADLER, Mr. BEREUTER, Mr. MENENDEZ, Mr. EHLERS, Ms. CORRINE BROWN of Florida, Mr. MORAN of Kansas, Mr. FILNER, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mr. GARY G. MILLER of California, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, Mr. CUMMINGS, Mr. MICA, Mr. BLUMENAUER, Mr. BURNS, Mr. PASCRELL, Mr. PORTER, Mr. BOSWELL, Mr. BURGESS, Mr. HOLDEN, Mr. HAYES, Mr. LAMPSON, Mr. CHOCOLA, Mr. BAIRD, Mr. SIMMONS, Ms. BERKLEY, Mr. SHUSTER, Mr. CARSON of Oklahoma, Mr. BROWN of South Carolina, Mr. MATHESON, Mr. DUNCAN, Mr. HONDA, Mr. JOHNSON of Illinois, Mr. LARSEN of Washington, Mr. BOOZMAN, Mr. CAPUANO, Mr. DEMINT, Mr. WEINER, Mr. PEARCE, Ms. CARSON of Indiana, Mrs. KELLY, Mr. HOEFFEL, Mr. ISAKSON, Mr. THOMPSON of California, Mr. BACHUS, Mr. BISHOP of New York, Mr. SULLIVAN, Mr. MICHAUD, Mr. MARIO DIAZ-BALART of Florida, Mr. DAVIS of Tennessee, Mr. NEY, Mr. REHBERG, Mr. BOEHLERT, Mr. BEAUPREZ, Mr. GERLACH, Mrs. CAPITO, Mr. HOEKSTRA, Mr. KENNEDY of Minnesota, Mr. MCCRERY, and Mr. BARTLETT of Maryland):

H.R. 3088. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3089. A bill to establish a program to assist States and local governments for the conduct of electronic governance transactions at libraries and elementary and secondary schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3090. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3091. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. CANNON, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. CALVERT, Mr. NUNES, Mr. KIND, Mr. OSE, Mr. BEREUTER, Mr. TERRY, Mr. CASE, Mr. LANTOS, Mr. DICKS, Mr. SMITH of Washington, Mr. INSLEE, and Mr. MCDERMOTT):

H.R. 3092. A bill to provide grants for law enforcement training and equipment to combat methamphetamine labs; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. DAVIS of Florida, Mr. COOPER, and Mr. BRADLEY of New Hampshire):

H.R. 3093. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. PEARCE, Mr. GREEN of Wisconsin, Mr. PAUL, Mr. BRADLEY of New Hampshire, Mr. FROST, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. RENZI, Mr. COLE, Mr. MICA, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. GUTKNECHT, and Mr. JONES of North Carolina):

H.R. 3094. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 3095. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 3096. A bill to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. FRELINGHUYSEN:

H.R. 3097. A bill to amend the Federal Education Right to Privacy Act to improve the access of the victims of crimes to information concerning the outcome of disciplinary proceedings by institutions of higher education; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 3098. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CONYERS, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. LEE, Mr. CUMMINGS, Ms. KILPATRICK, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. FROST, Mr. PAYNE, Mr. CLAY, Mr. MEEHAN, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. ENGEL, Mr. WYNN, Mr. LYNCH, Mr. OLVER, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. BALLANCE, Mr. SERRANO, Ms. MCCOLLUM, and Mr. CAPUANO):

H.R. 3099. A bill to amend the Small Business Investment Act of 1958 to establish a pilot program for lending to small, nonprofit child care businesses; to the Committee on Small Business.

By Mr. PALLONE:

H.R. 3100. A bill to provide health benefits for workers and their families; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, and Mrs. MUSGRAVE):

H.R. 3101. A bill to amend title 5, United States Code, to provide for the establishment of a precious metals investment option in the Thrift Savings Fund; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 3102. A bill to utilize the expertise of New Mexico State University, the University of Arizona, and Northern Arizona University in conducting studies under the National Environmental Policy Act of 1969 in connection with the grazing allotments and range and continuing range analysis for National Forest System lands in New Mexico and Arizona, and for other purposes; to the Committee on Resources.

By Mr. RYUN of Kansas (for himself, Mrs. MCCARTHY of New York, Mr. WALSH, Mr. PAYNE, and Mr. LYNCH):

H.R. 3103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. SIMMONS, Mr. REYES, Mr. MEEHAN, Mr. EVANS, Mr. BRADLEY of New Hampshire, Mr. RODRIGUEZ, Mr. SKELTON, Mr. ANDREWS, Mr. BARTLETT of Maryland, and Mr. MCGOVERN):

H.R. 3104. A bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself and Mr. PETRI):

H. Con. Res. 280. Concurrent resolution recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. FILNER, Mr. FROST, Mrs. JONES of Ohio, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. WYNN, and Mr. MCDERMOTT):

H. Con. Res. 281. Concurrent resolution urging observance of Global Family Day; to the Committee on International Relations.

By Mr. COOPER (for himself, Mr. ROSS, Mr. GORDON, Mr. BERRY, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mr. FORD, Mr. JENKINS, Mr. SNYDER, Mr. TANNER, and Mr. WAMP):

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H. Con. Res. 283. Concurrent resolution honoring the commitment of the individuals participating in the Free Our People March and Rally; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE (for herself, Mr. BELL, Mr. CHABOT, Mr. DOOLITTLE, Mr. ANDREWS, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. SOUDER, Mrs. KELLY, Mr. BILIRAKIS, and Mr. WEXLER):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress that the

United States should actively support Taiwan's membership in the United Nations and other international organizations; to the Committee on International Relations.

By Mr. MANZULLO (for himself, Ms. VELAZQUEZ, and Mr. HINOJOSA):

H. Res. 368. A resolution honoring the Small Business Administration on the occasion of its 50th anniversary; to the Committee on Small Business. Considered and agreed to.

By Mr. BURTON of Indiana (for himself, Mr. VISCLOSKY, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Ms. CARSON of Indiana, Mr. HILL, Mr. PENCE, and Mr. CHOCOLA):

H. Res. 369. A resolution expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones; to the Committee on Government Reform. Cconsidered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, and Mr. ACKERMAN):

H. Res. 371. A resolution commending the people and the Government of the Hashemite Kingdom of Jordan for their political reform efforts and wishing them continued success in their democratization efforts; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 3105) for the relief of Elvira Arellano; 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. 102: Mr. GUTIERREZ.
H.R. 106: Mrs. MUSGRAVE.
H.R. 121: Mr. GRIJALVA.
H.R. 284: Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. HULSHOF, Mr. HINOJOSA, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Ms. VELAZQUEZ, Ms. GRANGER, and Mr. COSTELLO.
H.R. 299: Mr. TOWNS.
H.R. 303: Mr. HASTINGS of Florida, Mr. CARDIN, and Mr. PENCE.
H.R. 316: Mr. WELLER.
H.R. 339: Mr. EVERETT, Mr. UPTON, Mr. VITTER, Mr. GREENWOOD, and Mr. BRADLEY of New Hampshire.
H.R. 348: Mrs. MCCARTHY of New York.
H.R. 384: Mr. HOEKSTRA, Mr. GIBBONS, Mr. HERGER, Mr. HOSTETTLER, Mr. FEENEY, and Mrs. MUSGRAVE.
H.R. 432: Mr. ROSS.
H.R. 571: Mr. HAYES, Mr. BOYD, and Mr. TOWNS.
H.R. 574: Mrs. MUSGRAVE.
H.R. 652: Mr. HOLT.
H.R. 713: Mr. RAMSTAD.
H.R. 714: Ms. DUNN.
H.R. 728: Mr. SAXTON.
H.R. 792: Ms. DUNN.
H.R. 804: Mr. CARDOZA.
H.R. 852: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 854: Mr. ROTHMAN.
H.R. 857: Mr. ANDREWS and Mr. LANTOS.
H.R. 869: Mr. BERMAN and Mr. WALSH.
H.R. 918: Mr. NETHERCUTT.
H.R. 920: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.
H.R. 968: Mr. STUPAK.
H.R. 980: Mr. SMITH of Washington.
H.R. 1179: Mr. WELDON of Florida.
H.R. 1229: Mr. BEAUPREZ.
H.R. 1231: Mr. BONILLA, Mr. ISAKSON, Mr. GONZALEZ, Mr. GERLACH, and Mr. LARSON of Connecticut.
H.R. 1285: Ms. ESHOO.
H.R. 1294: Mr. NEAL of Massachusetts.
H.R. 1310: Mr. MCHUGH.
H.R. 1336: Mr. RYAN of Ohio, Mr. BRADLEY of New Hampshire, Mr. MENENDEZ, Mr. MILLER of North Carolina, Mr. PEARCE, Mr. SERRANO, Ms. GRANGER, Mr. FEENEY, and Mr. BOEHNER.
H.R. 1345: Mr. FROST.
H.R. 1381: Mrs. MALONEY, Mr. CLYBURN, and Mr. MCDERMOTT.
H.R. 1385: Ms. SCHAKOWSKY, Mr. JENKINS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mrs. LOWEY, Mr. MEEHAN, and Ms. CORRINE BROWN of Florida.
H.R. 1394: Mr. BROWN of Ohio.
H.R. 1414: Ms. SLAUGHTER.
H.R. 1508: Mr. CARDOZA and Mr. STRICKLAND.
H.R. 1547: Mr. BARTLETT of Maryland.
H.R. 1563: Ms. MCCOLLUM, Mr. ALLEN, Mr. SHAYS, and Mr. BROWN of Ohio.
H.R. 1622: Mr. GUTIERREZ, Mr. RODRIGUEZ, and Mr. SMITH of New Jersey.
H.R. 1639: Ms. WATSON.
H.R. 1653: Mr. HONDA and Mr. TOM DAVIS of Virginia.
H.R. 1660: Mr. DOOLITTLE.
H.R. 1662: Mr. FEENEY and Mr. NEUGEBAUER.
H.R. 1690: Ms. LOFGREN.
H.R. 1692: Mr. PORTER, Mr. LEWIS of Georgia, and Mr. MCCOTTER.
H.R. 1695: Mr. WAXMAN.
H.R. 1731: Mr. CASE, Mr. MORAN of Virginia, Mr. SPRATT, Mr. ROYCE, and Mr. FROST.
H.R. 1738: Mr. BOUCHER, Mr. GONZALEZ, and Mr. DAVIS of Tennessee.
H.R. 1813: Mr. LEVIN, Mr. MICHAUD, Mr. VAN HOLLEN, and Mr. GRIJALVA.
H.R. 1819: Mr. WAMP, Mr. SANDERS, and Mr. SHIMKUS.
H.R. 1828: Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. NAPOLITANO.
H.R. 1900: Mr. POMEROY, Mr. EMANUEL, Mr. TANNER, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, Mr. MICHAUD, Mr. CLAY, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BERKLEY, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. DICKS, Mr. EVANS, Mr. ETHERIDGE, Mr. GUTIERREZ, Mr. FARR, Ms. BALDWIN, Mrs. EMERSON, Mr. ROTHMAN, Mr. WU, Mr. LAMPSON, Mr. DOOLEY of California, Mr. HILL, Ms. DEGETTE, Mr. SNYDER, Mr. SKELTON, Ms. MCCARTHY of Missouri, Ms. LORETTA SANCHEZ of California, Mr. ACKERMAN, Ms. LOFGREN, Mr. GREEN of Texas, Mr. ALEXANDER, Mr. KIND, Mr. OBEY, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. ROSS, Mr. PETRI, Mr. ANDREWS, Mr. MATHESON, Mr. SPRATT, Ms. DELAURO, Mr. DEFAZIO, Mr. DINGELL, Mr. SMITH of Washington, Mr. MATSUI, Mr. MCKEON, Mr. YOUNG of Florida, Ms. ROYBAL-ALLARD, and Mr. PICKERING.
H.R. 1906: Mr. GUTIERREZ.
H.R. 1939: Ms. WOOLSEY.
H.R. 1964: Mr. SWEENEY.
H.R. 1993: Mr. GREEN of Texas and Mr. MCDERMOTT.
H.R. 2008: Mr. BASS.
H.R. 2032: Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. GEPHARDT, Mr. MCDERMOTT, and Mr. BISHOP of Utah.
H.R. 2034: Mr. ENGLISH.
H.R. 2047: Mr. CARDIN.
H.R. 2094: Mr. ENGLISH, Mr. HERGER, and Mr. TOWNS.
H.R. 2096: Mrs. JO ANN DAVIS of Virginia, Ms. HARRIS, Mr. LAHOOD, Mr. TANCREDO, Mr. TIBERI, Mr. HOBSON, Mr. GERLACH, and Mrs. NAPOLITANO.
H.R. 2133: Mr. TOM DAVIS of Virginia and Mr. GREEN of Wisconsin.
H.R. 2157: Mr. KENNEDY of Rhode Island, Ms. MAJETTE, Mrs. WILSON of New Mexico, and Mr. WEXLER.
H.R. 2173: Mr. KLECZKA, Mr. GRIJALVA, and Mr. SANDERS.
H.R. 2181: Mr. VISCLOSKY and Mr. HILL.
H.R. 2198: Ms. DEGETTE.
H.R. 2201: Mr. FEENEY.
H.R. 2224: Mr. PLATTS and Mr. BOEHLERT.
H.R. 2232: Mr. SANDERS.
H.R. 2269: Mr. WILSON of South Carolina, Mrs. MUSGRAVE, and Mr. HAYWORTH.
H.R. 2347: Mr. BISHOP of Utah, Mr. TIAHRT, and Mr. CRANE.
H.R. 2353: Mr. RANGEL.
H.R. 2361: Mr. DEFAZIO.
H.R. 2365: Mr. FILNER.
H.R. 2404: Mr. MCINNIS.
H.R. 2426: Ms. SLAUGHTER, Mr. SANDERS, and Ms. MCCARTHY of Missouri.
H.R. 2455: Mr. ENGEL.
H.R. 2459: Mrs. CAPPS.
H.R. 2490: Mrs. CAPITO.
H.R. 2504: Ms. LOFGREN and Mr. MICHAUD.
H.R. 2527: Mr. BERMAN and Mr. DEUTSCH.
H.R. 2582: Mr. ANDREWS.
H.R. 2625: Mrs. JONES of Ohio and Mr. KLECZKA.
H.R. 2626: Mr. UDALL of New Mexico.
H.R. 2665: Mr. SMITH of Washington, Mr. FILNER, and Mr. ENGEL.
H.R. 2677: Mr. BLUMENAUER.
H.R. 2685: Mr. SERRANO and Mr. WEXLER.
H.R. 2708: Mr. CALVERT.
H.R. 2709: Mr. CASE.
H.R. 2711: Mr. LINDA T. SANCHEZ of California and Mr. MCINTYRE.
H.R. 2720: Mr. EVANS, Mr. CASE, Mr. MCNULTY, Mr. FRANK of Massachusetts, and Mr. MCCOTTER.
H.R. 2727: Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STARK.
H.R. 2732: Mr. BALLENGER, Mr. NORWOOD, Mr. KINGSTON, Mr. PETRI, and Mr. GOODE.
H.R. 2735: Mr. BAKER, Ms. BORDALLO, and Mr. BROWN of Ohio.
H.R. 2743: Mr. SIMPSON.
H.R. 2770: Mr. GRIJALVA, Mr. FILNER, Mr. FROST, and Mr. JEFFERSON.
H.R. 2781: Mr. KINGSTON.
H.R. 2787: Ms. BALDWIN and Mr. ACKERMAN.
H.R. 2788: Mr. BAIRD.
H.R. 2821: Mr. GEORGE MILLER of California, Mr. UPTON, and Mr. WEXLER.
H.R. 2849: Mr. UPTON and Mr. PLATTS.
H.R. 2850: Mr. DAVIS of Florida.
H.R. 2851: Mr. TANCREDO.
H.R. 2891: Mr. CROWLEY.
H.R. 2898: Mr. WAXMAN and Mr. BROWN of Ohio.
H.R. 2900: Mr. RYUN of Kansas, Mr. BOEHLERT, and Mr. SANDLIN.
H.R. 2905: Mr. FEENEY and Ms. ROS-LEHTINEN.
H.R. 2906: Mr. WAMP.
H.R. 2908: Mr. PLATTS, Mr. LUCAS of Kentucky, and Mr. FROST.
H.R. 2915: Mr. COOPER, Ms. HARRIS, and Mr. CASTLE.
H.R. 2929: Mr. EHLERS.
H.R. 2932: Ms. ESHOO and Mr. MCDERMOTT.
H.R. 2934: Mrs. MUSGRAVE, Mr. COBLE, Mr. JENKINS, Mr. BARRETT of South Carolina, Mr. NORWOOD, Mr. BONILLA, Mr. THORNBERRY, Mr. WICKER, Mr. PEARCE, Mr. BURGESS, Mr. GERLACH, Mrs. CUBIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. PORTER, Mr. MCCOTTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GIBBONS, Mr. EVERETT, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. BAKER, Mr. CANNON, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. COLE, Mr. KLINE, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. WELLER, Mr. PUTNAM, Mr. TANCREDO, Mr. HEFLEY, Mr. POMBO, Mr. HAYWORTH, Mr. HENSARLING, Mr. DOOLITTLE,

Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. DELAY, Mr. TAUZIN, Mr. BARTON of Texas, Mr. SESSIONS, Mr. REYNOLDS, Mr. AKIN, Mr. TURNER of Texas, Mr. BLUNT, Mr. BONNER, Mr. SMITH of Texas, Mr. CRANE, Mr. KELLER, Mr. SCHROCK, Mr. GREENWOOD, Mr. BEAUPREZ, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. MURPHY, Mr. NUNES, Mr. REHBERG, Mr. FORBES, Mr. MILLER of Florida, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CHOCOLA, Mrs. NORTHUP, Mr. CANTOR, Mr. SHADEGG, Mr. FROST, and Mr. GREEN of Wisconsin.

H.R. 2956: Mr. KIRK, Ms. BALDWIN, and Mr. FOSSELLA.

H.R. 2998: Mrs. JONES of Ohio, Mr. KIRK, Mrs. EMERSON, Mrs. DAVIS of California, Mrs. MYRICK, Mr. DOOLITTLE, Mr. BAIRD, Mr. UPTON, Mr. MCKEON, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. ALEXANDER, Mr. CARDIN, Mr. MOLLOHAN, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. OLVER, Mr. TIAHRT, Mr. PORTER, Mr. ROGERS of Alabama, Mr. GORDON, Mr. POMEROY, Mr. GUTIERREZ, Mr. BISHOP of Utah, Mr. PASTOR, Mr. WHITFIELD, Mr. PAUL, Mr. MCDERMOTT, Mr. BOOZMAN, Ms. WATERS, Mr. ROSS, Mr. REGULA, Ms. GINNY BROWN-WAITE of Florida, Mr. MURPHY, Mr. WAXMAN, Mr. CALVERT, Mr. MCINNIS, Mr. EVANS, Mr. LEACH, Ms. DELAURO, Mr. SERRANO, Mr. HINOJOSA, Mr. PUTNAM, Ms. LINDA T. SANCHEZ of California, Mr. MCCRERY, Mr. ORTIZ, and Mr. JONES of North Carolina.

H.R. 3004: Ms. KILPATRICK, Mr. KILDEE, Ms. MCCOLLUM, Mr. MCNULTY, and Mr. LEWIS of Georgia.

H.R. 3011: Ms. WATERS, Mr. HINCHEY, Mr. CALVERT, Mr. COSTELLO, Ms. LEE, Mrs. MUSGRAVE, Ms. ROYBAL-ALLARD, Mr. EVANS, Ms. ESHOO, Mr. HALL, Mr. WYNN, and Mr. POMBO.

H.R. 3012: Mr. BISHOP of New York, Mr. ENGEL, Mr. WALSH, Mr. MCNULTY, Mr. KING of New York, Mrs. LOWEY, Mr. SERRANO, Mr. MEEKS of New York, Mr. HINCHEY, Mrs. MALONEY, Mr. NADLER, and Mr. WEINER.

H.R. 3022: Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. PALLONE, and Ms. SCHAKOWSKY.

H.R. 3034: Mrs. CAPPS, Mrs. CHRISTENSEN, and Mr. MEEKS of New York.

H.R. 3049: Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. BROWN of Ohio, Mr. SERRANO, Mr. FROST, Mr. HOEFFEL, and Mr. RYAN of Ohio.

H.R. 3052: Mr. BURTON of Indiana and Mr. GARRETT of New Jersey.

H.R. 3057: Mr. BOUCHER.

H.R. 3058: Mr. BOEHLERT, Mr. TANNER, Mr. LIPINSKI, Mr. DEMINT, Mr. LUCAS of Kentucky, Mr. KING of Iowa, Ms. HART, Mr. SHERMAN, Mr. MCHUGH, Mrs. JOHNSON of Connecticut, Mr. ETHERIDGE, Mr. EHLERS, Mr. ABERCROMBIE, Mr. HAYWORTH, and Mr. HOSTETTLER.

H.R. 3063: Mr. MCNULTY, Mr. STARK, Mr. FROST, Mr. KENNEDY of Rhode Island, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. MCDERMOTT, and Mrs. TAUSCHER.

H.R. 3077: Mr. TIBERI.

H.R. 3080: Mrs. JONES of Ohio.

H.J. Res. 62: Mr. MICHAUD.

H. Con. Res. 50: Mr. KING of Iowa.

H. Con. Res. 87: Mr. HINCHEY.

H. Con. Res. 91: Mr. SMITH of Washington.

H. Con. Res. 202: Ms. BORDALLO.

H. Con. Res. 213: Mr. GORDON.

H. Con. Res. 235: Mr. MENENDEZ.

H. Con. Res. 247: Mr. SHIMKUS and Mrs. MUSGRAVE.

H. Con. Res. 265: Mr. HOLT and Mr. PLATTS.

H. Res. 103: Ms. MCCOLLUM, Mr. MICHAUD, Mr. HOEFFEL, and Mr. HOLDEN.

H. Res. 157: Mr. WALSH, Mr. UPTON, Mr. CALVERT, Mr. LANTOS, and Ms. WOOLSEY.

H. Res. 320: Mr. HINCHEY.

H. Res. 342: Mr. TAUZIN.

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. 2038: Mr. KIND.

H.R. 2225: Mr. GONZALEZ.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, SEPTEMBER 16, 2003 No. 127

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and Almighty God, You are the alpha and omega, the beginning and the ending. Keep us alert to the needs of our time. Give us enough humility to respect the opinions of others and enough wisdom to acknowledge our common humanity. Give this Senate a unity of mind and purpose and the realization that all things work together for good to those who love You. Bless our military men and women who stand as guardians of our freedoms. Lord, from the cradle to the grave, we need You. Guide and sustain us until the journey ends. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on S.J. Res. 17, relating to the disapproval of an FCC rule. Under the order, the vote will occur on passage of that resolution at 10:45 this morning.

Following that vote, the Senate will resume consideration of the energy and water appropriations bill. Pending is the Feinstein amendment relating to the robust nuclear earth penetrator. I encourage Members who would like to speak to that amendment to remain following the vote on the FCC resolution. It is hoped we can dispose of that amendment and continue with additional amendments to the energy and water appropriations bill.

Rollcall votes will occur throughout the day as we attempt to finish our work on this bill, which will be the sixth appropriations bill to be completed.

In addition, we will resume consideration of the House message to accompany S. 3, the partial-birth abortion ban, for the remaining 6 hours. Last night, the Senate used 2 of the 8 hours that were provided under the previous unanimous consent agreement. We will return to the debate following today's action on the energy and water bill.

Also, today, we will recess from 12:30 to 2:15 for the weekly party luncheons to meet.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. REID. Mr. President, I think we might be in a position to set a time for a vote on the Feinstein amendment. If we do that, I think it would be to everyone's best interests. Maybe it could be right after the caucuses or something such as that.

Mr. FRIST. Mr. President, at this juncture, until I talk to our manager of the bill, I do not want to establish a fixed time. I do want to proceed to that vote earlier rather than later. We will continue that discussion and understand that they are ready fairly early in the day.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISAPPROVING FEDERAL COMMUNICATIONS COMMISSION BROADCAST MEDIA OWNERSHIP RULE

The PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of S.J. Res. 17, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 17) disapproving the rules submitted by the Federal Communications Commission with respect to broadcast media ownership.

The PRESIDENT pro tempore. The time until 10:45 is equally divided between the two leaders or their designees.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Texas.

Before yielding, let me just briefly say, this resolution of disapproval dealing with the rules on broadcast ownership by the Federal Communications Commission is a rarely used——

Mr. MCCAIN. Mr. President, is the Senator from North Dakota granting himself time?

Mr. DORGAN. Mr. President, there is 30 minutes granted to each side, as I understand it.

The PRESIDENT pro tempore. The time until 10:45 is equally divided.

Mr. DORGAN. Mr. President, let me grant myself such time as I may consume. Then I will yield 10 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. DORGAN. I was simply making the point that this is a resolution of disapproval. It is rarely used in the Senate. I think this is only the second time it has been used. But this is a critically important issue. We will have a number of speakers describing why this resolution of disapproval has been brought to the floor of the Senate.

I yield 10 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mrs. HUTCHISON. Mr. President, I rise today to speak for the resolution that would disapprove the FCC ruling of June 2. In 1996, we passed the Telecommunications Act which said Congress should work toward deregulating the media. We charged the FCC with ensuring the protection of competition, diversity, and localism.

I think the rule that came out does the opposite. It does not protect the localism and the diversity, particularly in the newspaper and television markets. We must turn back the entire rule, even if we agree with part of it, in order to tell the FCC to go back and start again.

I think the FCC could come up with another rule which would have some of the components of its June 2 rule, along with taking out parts that many of us believe actually will hurt localism.

There are 100 Senators in this body. Probably each one has a different view of what would be best in the media. Overall, I think it is important for us to be more cautious rather than less cautious, because what can happen if you lower the number of voices in the media, and companies make investments based on the rules at the time, is later, down the road, if you determine that, in fact, we have lowered the number of voices in the media—and it is to the detriment of the consuming public—then I don't think you should penalize the companies that made decisions based on the rules at the time.

I think stability in regulations is a good business principle. I think if you look at the particular part of the rule that deals with newspaper/television cross-ownership, you have the worst part of the decision and the one that concerns me the most. And we have examples because three companies were grandfathered when the rules were made on cross-ownership. So we have seen what can happen in a local market when a company is allowed to own the only newspaper in town plus the major television station in town, and then perhaps even radio.

I believe radio is pretty diversified. I do not think we have a problem with the number of voices in radio. My concern is ownership of the only newspaper in a market plus a major television station in the market. And we have examples of that.

In Dallas, we have one company that owns the only newspaper in town plus the largest ABC television affiliate, which has the largest market share of viewers for all editions of the news.

In Atlanta, we have one company that has the only newspaper in town that is a regular newspaper. It also owns the major television station in town, one of the Nation's top performing ABC affiliates, and it also happens to own 25 percent of the radio market. So I think that is a pretty alarming amount of concentration.

Maybe they do a good job. But what we are talking about is not Atlanta. We are not talking about Dallas. They do good jobs in many respects. What we are talking about is other cities and allowing this kind of concentration to pop up all over the country—the only newspaper in town plus the major television station.

In the FCC's own poll, it showed that 74 percent of the people in a community get their local news from a combination of television and newspaper—74 percent. If you have one company owning the newspaper and the major television station, you have a concentration that could be unhealthy. If it is unhealthy, it will be too late to go back and retrofit because these companies will make these investments based on the rules of the time.

We should proceed with caution. I think we should overturn this rule, ask the FCC to go back to the drawing board and take more testimony. They had one hearing—one hearing—before they came out with this rule. Two of the members of the Commission were so concerned that they went out across the country and had hearings of their own. But even though there was a lot of testimony, it does not appear that the FCC took that testimony into account when they made this rule of June 2. In fact, those two members voted the other way.

They had heard the people speak, and they were concerned about this kind of concentration.

So whether you agree in part with the FCC or not at all, I hope you will support the turning back of the rule so that we will give the FCC a chance to go back to the drawing board, hear what Congress says, hopefully hear more from the public, and come out with rules particularly in the area of newspaper/television cross-ownership that I think should continue the ban.

Congress passed the law in 1996, giving the responsibility to the FCC. Some people say: Well, why is Congress getting involved? Well, it is Congress's responsibility to get involved with regulators when the regulators do not implement the law that Congress passed when they were given the responsibility to do just that. It would be an abdication of our responsibility if a majority of Congress disagreed with part of the ruling that we would not take control of the decision. We are the elected representatives. The FCC is an appointed body to which we have delegated responsibility to make rules. If we do not agree with the entire rule, it is our responsibility to act, and that is why the Congressional Review Act was passed.

I want to talk for a minute about what this is not. I was amazed, because I think very highly of the Wall Street Journal in most respects—in almost every respect—but they had an editorial last Friday that said if we turn back the rule on cross-ownership of newspapers and television, somehow this is going to bring back a review of the fairness doctrine.

I do not support the fairness doctrine. I think radio is quite diversified. I think the voices that are coming into radio are very healthy. I think talk radio has given voice to the silent majority. The last thing this has anything to do with is the fairness doctrine, and yet my friend Rush Limbaugh and the Wall Street Journal somehow tied the fairness doctrine to a newspaper/television cross-ownership issue.

Letting one entity own the only newspaper in town and the major television station in town is lowering the number of voices in the media, not increasing the number. So while some people are more concerned about the 35 to 45 percent, I am focused on the newspaper/television ownership that I think affects our country.

The PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HUTCHISON. I ask unanimous consent for 1 additional minute.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I will close by saying that when we are talking about lowering the number of voices in the media, we should proceed with caution. Voting for this resolution of review says to the FCC: You went too far in some respects—not every respect. We may disagree on the areas, but you need to listen more to Congress and to the people who have spoken.

I hope people will vote yes, and I hope the FCC will be responsive.

I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. MCCAIN. Is the Senator speaking for or against?

Mr. FEINGOLD. Mr. President, I am speaking for.

Mr. DORGAN. Mr. President, I think appropriately at this point, Senator MCCAIN in opposition will yield time and then I will be happy to yield time to the Senator from Wisconsin at an appropriate time.

Mr. MCCAIN. How much time does the Senator from Louisiana wish?

Mr. BREAUX. A couple minutes—3 minutes.

Mr. MCCAIN. I yield 5 minutes to the Senator from Louisiana.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. BREAUX. I thank the distinguished chairman of the committee.

Mr. President, I will just make a couple of comments in opposition to the resolution because I think the resolution is sort of a broad-brush approach that takes down everything the FCC has recommended, things that make sense that are good and also things about which some people may have questions. It really is a resolution that assumes, in my opinion, that if things are small, they are necessarily good; if things are big, they are necessarily bad.

I think particularly as this is clearly spelled out with regard to part of the FCC's rule that deals with the question of television ownership, the rule from the FCC basically allowed the television stations to move up to a 45-percent-of-viewer cap before they would be

prohibited from owning additional television stations.

It seems to me that if you look at media concentration now, you have 1,721 television stations in the United States and the networks only own a very small percentage of those stations. If you consider the people who watch the stations, you will find also that the viewership of these network-owned stations, indeed, is very small.

It is not as if a couple of networks have all the viewers and are therefore monopolizing what people see and there is no diversity. That is simply not the fact at all. If you look at Viacom, which owns CBS, in prime time viewing, they have about 3.4 percent—3.4 percent of the total TV households. News Corp, which owns Fox, has about 3.1 percent. General Electric, which owns NBC, has 2.8 percent. And Disney, which has ABC stations, has about 1.5 percent of the total TV households watching their network programming in prime time.

The problem with the argument that the cap is somehow going to change things and make a concentration of ownership of what people see makes no sense whatsoever, because the way it is currently measured, stations that are in large television markets are assumed to have everybody in the market watching their stations.

A station that is owned by the network that happens to have a station in Los Angeles, Houston, Miami, New York, or Chicago probably exceeds a cap of 35 percent of the potential viewing audience, but in reality they may have only a very small number of people in those cities actually watching them.

So the standard of measurement that we use is totally illogical. It would be like saying an automobile dealer in New York has 6 percent of the total sales in the United States because New York is about 6 percent of the market. That would be fine if the automobile dealer sold every car that is bought in New York, but that is not the case. There are probably literally thousands of other competitors in that market.

The same thing is true in the television market. As an example, an ABC station in Los Angeles does not have everybody in the Los Angeles market watching their station. There are probably 200 to 300 additional stations that a viewer can watch in the evenings and look at a diverse range of programs that happen to be available.

So the argument that because a station happens to have a tower in a large city it has all the viewers in that city is illogical at best and misleading in fact.

Another point is when we look at the amount of diversity that networks give, obviously the studies have shown they, in fact, offer far more local programming than nonnetwork-owned stations. Those facts are clear. They are indisputable.

I think what we do in saying we are going to throw out what the FCC has done makes no sense. The network-owned stations, in fact, show about 37 percent more local news than locally owned stations do. So I argue that this resolution be voted down.

I yield the remainder of my time.

The PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. DORGAN. Mr. President, I yield 4 minutes to the Senator from Wisconsin.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I will vote in favor of S.J. Res. 17, the bipartisan resolution of disapproval which would overturn the Federal Communications Commission's new rules on broadcast media ownership. I am very proud to be an original cosponsor of this measure because I believe the FCC has acted in gross disregard of its mandate, of good public policy, and of the will of the American people.

When the public became aware that the Federal Communications Commission was considering new rules on media consolidation earlier this year, the explosion of concern was immediate, heartfelt, and unprecedented. Close to three-quarters of a million people registered their views with the FCC before it issued its decision, more than for any proceeding in its history. Public opinion was almost unanimous in opposition to further relaxation of media ownership restrictions.

So how did the FCC respond to this clear statement of the will of the people? With the back of its hand. Only one official public hearing was held. This was more than carelessness or bureaucratic inertia. This was simple disdain for the public in whose interest the FCC by statute is required to act.

Among the many letters I have received on this issue was one from Nicholas Dzubay, a Republican alderman on the city council of Barron, WI. Alderman Dzubay said his area's radio stations were suffocating under the control of a single corporation. He hopes we will not allow television and other broadcast media in his area to be monopolized in the same way.

I was also particularly struck by a letter from the Reverend Robert Stiefvater, the Vocations Director for the Archdiocese of Milwaukee. He wrote:

> I find it very difficult to get news into our local market here in Southeastern Wisconsin. The FCC's June 2 decision to radically weaken the remaining ownership rules will unacceptably harm my ability, the Archdiocese's and its community's ability to receive and distribute local independent programming.

If any of us doubts the dangers of the road down which the FCC wants to send us, the story of American radio stands as a powerful warning. Unprecedented consolidation followed the Telecommunications Act of 1996, but the real story is told over the airwaves. Radio does not sound like it used to. Like most of us in the Senate, I travel a lot, and wherever I go, radio stations sound more and more alike. Why? Because they are no longer programmed by local DJs but by executives at corporate headquarters hundreds of miles away.

As we begin to examine the issue of file-sharing, and look for ways to protect copyright owners and artists from infringement of the copyrights on works they struggled to create, we should keep in mind that there used to be a time when American young people heard new music on the radio, when they explored the variety of musical styles and genres by flipping channels. DJs used to make a name for themselves by playing new artists, or taking changes on records other DJs had overlooked. New local programmers do not have the freedom to deviate from the corporate playlist, and young people are turning off their radios and booting up file-sharing programs like Kazaa.

The homogenization of American radio is a grim predictor of the consequences of deregulation. If allowed to stand, the FCC rules will ravage the independence and character of other forms of media, from television to newspapers, the way radio has already been ravaged. This resolution is our chance to say no.

If this resolution of disapproval passes, I hope the FCC will finally understand how seriously we in Congress feel about this issue. I hope the FCC gets the message. They did not just make an honest mistake. They did not just misinterpret a complicated or ambiguous statute. They headed off in entirely the wrong direction. They ignored the will of the American people. That is why I will support this resolution, and I urge my colleagues to do so as well.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

The PRESIDENT pro tempore. The Senator from Nevada is recognized for 10 minutes.

Mr. ENSIGN. Mr. President, I rise to speak against the resolution that we have before us today. I will make a few points that are being overlooked in this debate. First, when the original ideas for this cap on percentage of media ownership were put into place, they were put into place because of the principle that we did not want a small group of people owning our airwaves to the point where they would be able to control thought, whether it is political thought or any other kinds of thought, in the United States. So when these were put into place, we had basically three networks.

When I was growing up, there virtually was no cable and everybody had over-the-air broadcast television. We had the three stations, and whatever were on those three stations is what one watched. We were lucky to have one or two, maybe three, radio stations, especially if we were not in a major media market.

The reality of today is that we not only have the over-the-air broadcast with the three networks, we also have Fox, UPN, and others, but we have systems whereby the vast majority of the homes in America can either get cable or some kind of a direct satellite TV system that has hundreds of stations which provide news, which provide entertainment, which provide all kinds of information.

In media markets, for instance, where I live in Las Vegas, NV, someone cannot turn the dial without getting a new radio station, both AM and FM. The choices are incredible. Other types of information we have coming into our household today include the Internet. Anybody can set up Web sites or news information-sharing sources. That is becoming a larger part of how people get their information.

Other than the major media outlets, there is the Drudge Report and other places on the Internet where people are getting information. The point is that there are so many more places for information to be had today than when these rules at 25-percent caps were initially put into place.

The other major point I make is that what we are talking about is potential viewership. Right now, the cap is set at 35 percent. It wants to be raised to 45 percent. I believe the FCC tinkered a little bit around the edges. This is not the tidal wave of change that people are talking about. This is a minor change in that it is potential viewership, it is how many homes can be reached. It is not how many people are watching a station at any one time. It is how much potential reach can one have into the home?

So we are not only saying it does not matter how many choices one has, it only matters how many homes can somebody potentially reach. It does not matter if somebody reaches 100 percent of the homes, as long as they have plenty of other choices. We should be making sure there are plenty of choices. When people choose which station they watch, they should be free to choose whatever stations they want.

We have also heard mention in this debate about cross-ownership with newspapers. One of the big complaints I hear about localism is that a lot of the TV stations today do not cover local politics. We know when there is cross-ownership there are more resources, especially in smaller media markets where necessarily TV stations or the newspapers do not have the kind of resources to put good reporters on the beat and they do not cover as much local politics. When there is cross-ownership, we see 50 percent more local news and public affairs programming, and an important thing is that local politics is covered. This is one of the big gripes I had in my last few campaigns, that the local TV stations—whether they are owned inside the State or outside the State, it was the same thing—didn't cover local politics enough.

I happen to be a Republican. In Las Vegas, NV, these two entities I am going to talk about lean more to the left. There is a TV station in cross-ownership with one of the newspapers in Las Vegas and, since they have been in existence, the coverage of local politics, not only by them but also by their competitors, has increased dramatically. I think that is good. That is more localism. There is cross-ownership there, but that is localism.

I think the precautions the FCC has put into place on cross-ownership, where you have to have a certain number of TV stations within a market if there is only one major newspaper, are the right kind of precautions to put in.

The point is, are we giving people choice? Where they choose to view is up to them. We should not be in the business of regulating what they watch, what they read, and who owns those, if we have enough choices in an area. I actually believe the FCC could have gone farther than they went. This is a very conservative move they have made today. If we are starting to be in the business of regulating how many people you can attract to your television stations, then we are starting to regulate whether you are getting too popular. That seems to be wrong-headed, in my opinion.

It seems to be right that if you have a couple of gas stations in an area, as long as you have choice among the gas stations, that is the important aspect. You don't want a monopoly saying this is the only gas station to which you can go. If we have 200 different gas stations, it doesn't matter whether Exxon reaches 100 percent of the cities in the United States. If there are 200 different gas stations in each one of the markets around the country, who cares? Because there would be competition to make sure Exxon is keeping its gas at the right price; otherwise, they would not be able to compete.

That is the same thing we have here. It really doesn't matter, in my opinion, whether ABC or NBC covers the entire United States. If there are 200 active choices just on television to be able to choose from, then let people choose where they are going to watch based on their remote control or based on how they flip channels. That seems to be the right kind of choices America should be all about.

We are in this fear. There are some on the right and there are some on the left who are afraid that either liberals or the conservatives are going to control too much of the media and control too much thought in one regard. Whichever side of the political spectrum people may have had a bad personal experience because in their area maybe the liberals controlled it or in another area maybe the conservatives controlled it. People complain about Fox News today; people complain about talk radio; you hear conservatives complaining about the major TV networks and all that. But as long as people have the choices of where they view, the market will determine where they get their information based on people choosing which stations they choose to watch.

That seems to me to be the American way. Let there be plenty of choices out there. Let freedom ring, basically, and then Americans will choose what the percentage of viewership is based on the choices they make.

In this Senator's opinion, this resolution before us today would go the exact opposite way of that we should be going. We should be liberalizing these rules so broadcast stations have a chance to compete. We are watching daily the quality of programming in our broadcast television go down because it is incredibly expensive to produce those shows today. So we are seeing more shows like ''Survivor,'' with these people on reality television shows that frankly don't cost a lot of money to produce because you don't have to pay the big actors. We want to reverse that trend, go the other way, and the way to do that is to liberalize the ownership rules.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Washington, Senator MURRAY.

The PRESIDENT pro tempore. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, like many Americans, I was disappointed by the Federal Communications Commission's recent order on media ownership. As my colleagues know, on June 2 the FCC voted to relax the rules on media ownership. That order could reduce local news coverage and could hinder the diversity of views presented in the news media.

I rise in support of the bipartisan resolution offered by Senators DORGAN and LOTT to invalidate the FCC's media ownership order. Passage of this resolution will help ensure that the marketplace of ideas is not dominated by a few corporate conglomerates at the expense of our citizens and our democracy.

Since its founding, our Nation has always recognized the importance of a free press in helping citizens make informed decisions on critical public issues. Over the past few years, we have seen massive mergers take place in many industries, but Americans recognize that the news media are different. They don't just produce a product to make a profit. They also provide a vital public service that could be undermined if just a few mega-corporations control what we can read, see and hear. That is why the FCC's order has provoked such a large public backlash.

By a 3–2 vote, the FCC made two major changes. First, it lifted a restriction that prevents mergers between newspaper and television stations in the same market. This is known as the cross-ownership rule. Until now, that restriction has ensured that one company does not control both newspaper

and television coverage in an area. That helps ensure that consumers have access to diverse sources of information.

By eliminating this cross-ownership rule, however, consumers could end up with fewer voices and perspectives on the public airwaves and in the newspaper. The number one television station in a market could be owned by the dominant newspaper or even the only newspaper in that same market. We are not talking about something that could happen in just one or two cities. This could happen all over the country. Down the road, the order could encourage just a handful of powerful corporations to own nearly every media outlet. That could hinder diverse and alternative viewpoints. It could also mean fewer reporters and resources for covering local and community events.

The newspaper market is already much less diverse than it was 25 years ago. Since 1975, two-thirds of independent newspaper owners have disappeared. The FCC's first order sets the stage for a further reduction in independent newspaper ownership.

The FCC's second order would allow broadcast networks to own more stations across the country. Currently, one broadcast network cannot own stations that reach more than 35 percent of the public. The FCC just raised that limit to 45 percent. This order threatens to reduce the amount of local news coverage available to citizens. Just look at what has happened in the radio industry. National radio networks have gobbled up local stations. Many have consolidated their news operations to the detriment of local consumers. Getting rid of local news coverage is not good for our local communities and their residents. This change could be especially troubling in rural areas.

I have been working on this issue for several months, and I believe we have reached a critical juncture that calls for Senate action.

On April 9, nearly 2 months before the ruling, I sent a letter to FCC Chairman Michael Powell along with 14 other U.S. Senators from both political parties. We asked the FCC to let the Congress and the public review and comment on the proposed changes before they were enacted.

When the order came out in June, I expressed my concerns.

A couple of weeks ago in the Appropriations Committee, I echoed the comments of Senators DORGAN and HUTCHISON on the need to either fix or eliminate this order through action on the Senate floor, and that is why I'm here today in support of this resolution.

The rule was scheduled to take effect on September 4, but was postponed when the Third Circuit Court of Appeals issued a temporary stay. This stay could be lifted if the FCC meets the court's requirements, so the Senate needs to act quickly.

One option before the Senate is to pass a law invalidating the FCC's order. Unfortunately, that approach would still leave the door open for the FCC to simply rewrite the rule and do an ''end run'' around Congress. A better way to invalidate the rule is to use the Congressional Review Act, CRA. It would stop the rule and would also prevent the FCC from re-imposing it later under a different name.

In the Appropriations Committee, we included a provision that would lower the media cap back to 35 percent. That mirrored a similar provision in the House's Commerce, Justice, State, and Judiciary Appropriations bill. We must finish the job today by using the CRA to invalidate the whole rule.

Mr. President, 80 percent of Americans get their news from local TV and newspapers. We cannot allow a handful of corporations to dictate what all Americans can see, hear, and read as they make decisions on critical public issues. I urge my colleagues to vote for diverse media ownership by supporting this resolution.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. MCCAIN. Mr. President, I yield the Senator from Alaska such time as he may consume.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I oppose this resolution which would disapprove all of the FCC's recent rulings on media ownership. I oppose it for several reasons.

In the first place, the court of appeals has stayed this resolution, and it is reviewing its contents. I do not think it is appropriate for the Senate to pass such a resolution when there already exists legislation that addresses the most contentious media ownership issues.

As one of the original sponsors of the legislation that is on the calendar already, I urge the Senate to take up that bill and not approve this resolution. My legislation, S. 1046, has the support of a majority of the Members of the Senate Commerce Committee.

I do not support this attempt to unravel everything that the FCC did regarding the media ownership rules. For the most part, I think the Commission did a good job on the media ownership issues, absent one issue regarding 35 percent.

My main concern all along was to keep the national ownership cap at the 35 percent level, and that was the primary focus of the bill that I introduced. In fact, that bill already passed out of the Commerce Committee.

My bill prohibits ownership of TV broadcast stations if the ownership exceeds 35 percent of the national TV audience. It maintains the status quo for the cap and closely tracks what Congress originally intended in the Telecom Act.

There were several amendments that were added to my bill in the Commerce Committee which addressed other parts of the rules. One was offered by my colleague from North Dakota. That amendment undid the Commission's decision to lift the cross-ownership ban.

I didn't agree with his original amendment because I thought that the FCC's decision to lift the cross-ownership ban was prudent. I was concerned that the amendment of the Senator from North Dakota didn't contemplate situations in small markets where cross-ownership between newspapers and TV stations is necessary. Therefore, in committee I added language to his amendment which allows for a waiver procedure in small markets.

This pending resolution, however, does not contemplate the small markets at all in the context of cross-ownership. This concerns me and should certainly concern others as well, especially those who represent small markets.

Last week the Third Circuit issued an order staying the FCC media ownership rules, pending resolution of the consolidated proceeding before that court. Therefore, this Third Circuit stay has creates status quo allowing the stake holders to fully brief and argue their sides.

Finally, the issue that has received the most support and attention from my colleagues and from diverse interest groups is the 35 percent cap issue. That issue has been addressed by both the House in the CJS appropriations bill and by the Senate Appropriations Committee in the CJS bill.

Therefore, with all of these various tracks already in play, I don't think it is wise to open another can of worms on the same issues. It is not productive.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to make a statement on the matter before us.

Mr. President, the Senate faces a critical decision today—whether new media ownership rules proposed by the FCC truly serve the public interest. They do not, and we should pass this resolution of disapproval and force the FCC to rework them.

On June 2, 2003, the Federal Communications Commission adopted new broadcast media ownership rules that would allow greater concentration of ownership of U.S. broadcast television stations, both at the national and local levels. At the national level, a single owner could own stations capable of reaching up to 45 percent of the national audience—up from 35 percent—under the new rules. A single entity could reach up to twice that percentage of the national audience if he or she owned UHF stations. In most markets, duopolies ownership of two stations in the same market would be allowed, and triopolies would be allowed in the largest markets.

The new rules would also allow cross-ownership of broadcast television stations and major newspapers in all but the smallest of media markets as well as greater cross-ownership of television

and radio stations. The rules would theoretically allow one owner to reach 90 percent of national TV audience and, in a large market, own three television stations, eight radio stations, the only daily newspaper, and the cable company.

The public overwhelmingly opposes these new rules. In fact, a recent CNN poll found that 96 percent of Americans believe there is already too much media concentration—that ownership of too many media outlets is already under the control of too few corporations.

Why should Congress care? For several reasons.

Congress has repeatedly mandated, most recently in the Telecommunications Act of 1996, that the FCC serve the public interest by promoting competition, diversity of viewpoints, and localism. These rules fail on all counts.

First, competition. Remember that there are a limited number of broadcast licenses available. Ted Turner, who bought one station and turned it into a media giant, addressed the rules' potential effect on competition. Turner wrote in an op-ed that if he had been faced with the FCC's new rules, he never could have started his own media company: ''If a young media entrepreneur were trying to get started today under these proposed rules, he or she wouldn't be able to buy a UHF station, as I did. They're all bought up,'' he wrote.

Turner added that even if that young entrepreneur could buy a UHF station, he or she wouldn't have access to the programming and distribution needed, as both are largely controlled by the major media companies. ''Today both (programming and distribution) are owned by conglomerates that keep the best for themselves and leave the worst for you if they sell anything to you at all. It's hard to compete when your suppliers are owned by your competitors,'' he said.

Second, independence and diversity of viewpoints. Many argue there are an infinite number of media outlets today, especially given the huge growth in cable channels and internet addresses. But the vast majority of Americans get their news and information from television news and/or their local newspaper. And realize that none of the cable news channels have anywhere near the viewership of the broadcast media, and that most of the major cable and internet news outlets are affiliated with the print and broadcast media that are already controlled in large part by just a handful of companies. Diversity of viewpoints is already in jeopardy, and the new rules would only exacerbate the situation.

Third, localism. If many of those so-called diverse viewpoints are actually controlled by a handful of companies, then one can see that localism, too, is in trouble. The loss of localism in radio is well known, sometimes with dangerous consequences like the famous Minot, ND case that Senator DORGAN has talked about. In fact, the lack of localism in radio is so undeniable that even the FCC has agreed to address it in the one aspect of the proposed rules that makes sense.

But localism in television is also at risk local entertainment choices as well as news. James Goodman of Capital Broadcasting in North Carolina explained it well in his testimony before the Commerce Committee. He owns Fox and CBS stations in Raleigh. Out of respect for his local audience's sensibilities, he has refused to carry either network's ''reality TV'' shows, including ''Temptation Island,'' ''Cupid,'' ''Who Wants to Marry a Millionaire,'' and ''Married by America.'' His actions have met with intense resistance from the networks, and he has expressed his grave concern that if the networks' ability to own more and more of the broadcast outlets goes unchecked, local stations and communities won't have any ability to choose their own programming. They will be forced to air the network fare, even when it is offensive to local viewers.

Finally, and most important, there is an even more basic threat posed by these new rules: It is a threat to democracy itself. The integrity of our democracy depends on an informed electorate. Again, the vast majority of Americans get their news and information from television and/or their local newspaper. If we allow the limited broadcast spectrum to be controlled by a handful of companies, how can we maintain the free marketplace of ideas?

Those in the print media rightfully chafe at the prospect of government restrictions. Anyone in America has the right to print their ideas. But when we talk of broadcast media, we are talking about public airwaves, and that is a different matter altogether. Again, space on the spectrum is limited, and so are broadcast licenses. And the FCC was created to regulate them in the public interest—not to rubber-stamp the industry's wish list.

Not only are the new rules a threat to democracy, but the process by which they were approved is a threat to democracy.

In response to pressure from the Democratic appointees to the Commission, FCC Chairman Michael Powell called only one official field hearing. Field hearings are intended to solicit input from the general public from across the country to overcome the ''inside the Beltway'' virus that often infects policies born in Washington, DC. Chairman Powell's ''field'' hearing was held 90 miles from Washington, and much of his invited testimony came from industry representatives, many of whom, in fact, live and work inside the Beltway.

It appears the Chairman thought a pro-industry decision would sail through with minimal attention. After all, other than paid lobbyists, how many people have the time to follow the details of an FCC decision-making process? But a funny thing happened on the way to the vote. As soon as people outside the Beltway did learn what the FCC was planning to do, they protested, and they protested in large numbers.

Of the 2 million individuals who commented on the FCC's proposed rules, 99 percent opposed them. Ninety-nine percent. Of the first 10,000 comments that were sampled separately, there were only 57 comments in favor of the rules, and only 11 of those 57 were from people with no vested interest in the rules changes.

Those margins are essentially unheard of in American politics. Near unanimity. But in the halls of the FCC, that overwhelmingly negative input was essentially ignored. The votes of the American people didn't count. Only three votes counted—the votes of three commissioners who decided that they knew better than 99 percent of the people who commented on the rules.

The FCC's hasty process also effectively blocked public comment on many issues. Allowing for public comment isn't just the right thing to do. It generally leads to a better product. The FCC has an expert staff. But mistakes can and do happen. And an agency as determined to act quickly as the FCC was on this matter is more likely to make mistakes.

One such apparent mistake affects my state of South Dakota and would classify Sioux Falls as having more television stations than Detroit. It does so by counting five public broadcast stations as separate stations even though they broadcast the same signal. As a result, Sioux Falls is considered to have 11 stations instead of 7. And Sioux Falls, the 112th-largest market by population, is counted as having more stations than Detroit, the 10th-largest market.

Some commercial broadcasters own multiple stations that broadcast identical signals. FCC rules appropriately treat them as one station. But the exemption applies only to commercial stations, not public television stations. FCC Commissioner Jonathan Adelstein, a South Dakota native, identified the error and encouraged his colleagues to correct it, but the Commission has not done so.

The consequences of such an error are real. Because the new rules consider Sioux Falls to have 11 stations instead of 7, the city is placed in a category without any cross-ownership restrictions. That would allow the newspaper to acquire two television stations instead of one, and own twice as many radio stations as would be permitted if Sioux Falls were properly classified. Fortunately, I don't see any rush for that to happen. But who knows what a future owner of the Sioux Falls Argus Leader or one of the Sioux Falls television stations might wish to do? This is just the kind of mistake that could have been avoided if the FCC had employed the more deliberative, inclusive process that so many of us advocated.

Let's review the mission of the Federal Communications Commission, as stated repeatedly by the Commission and by acts of Congress: to serve the public interest by promoting competition, diversity of viewpoints, and localism. The public interest—that phrase should be italicized in this debate.

As we define the public interest, the public—the people who receive the radio and TV news and programming that beams across the airwaves their taxes paid for—has a right to be heard. Public comment, input, and involvement in our democratic processes is not a box to be checked before the petitions, call, e-mails, and letters are thrown in the trash and disregarded. It is a basic tenet of our social contract and the principle that underlies our form of government. Of the people, by the people, for the people.

I am all for ensuring the rights of the minority. Indeed, I feel strongly about our civic responsibility to ensure that a reactionary or powerful majority does not trample on the rights of those in our society whose voices are not as easily heard or fully represented. In fact, that's one key reason I oppose the substance of these rules—I fear the voices of those who may have quite valuable things to say, but lack the means to gobble up TV and radio stations, will not be heard.

But in this case we don't have a powerful majority trampling on the rights of the vulnerable. We have three people—with an obvious push from the current administration—trampling on the rights of the majority. To add insult to injury, they are telling the majority—the American people—that they are doing this in their interest. Of course, the interests being served are those of the handful of large media companies that already control a huge percentage of America's major media outlets.

Let me be clear: I don't blame the media companies for advocating for their own interests. They have every right to fight for their interests. I do blame the Chairman of the FCC and the other commissioners who voted for these rules for failing to give the rest of the country the consideration they deserved in this debate.

The Congressional Review Act was intended for exactly this kind of situation. A Federal agency has turned a deaf ear to the very public it was intended to serve. It is appropriate to send them back to the drawing board, especially if that is the only option available to us.

The Commerce Committee actually reported a bill that deals with the issues individually, and I would be happy to debate that bill. But it has been made clear to us that the majority has no intention of bringing the Commerce Committee bill to the floor, and we have no ability to force it to the floor before these rules take effect.

Mr. President, I want to make one final point. This isn't a partisan issue. The Republican supporters of this resolution of disapproval include Republican Party stalwarts like TRENT LOTT and KAY BAILEY HUTCHISON. It is not a liberal versus conservative issue, either.

The list of well-recognized people and organizations who oppose all or part of the FCC's media ownership rules is one of the strangest list of strange bedfellows you will ever hear. Opponents include Walter Cronkite, William Safire, the National Rifle Association, the U.S. Conference of Catholic Bishops, the National Organization for Women, Senator Jesse Helms, the National Council of Churches, MoveOn, the Parents Television Council, former Universal Studios Chairman and CEO Barry Diller, Mort Zuckerman, and many, many more. That sampling of the list gives you a sense of how broad and deep the opposition to these FCC rules is.

We should respect that overwhelming opposition and vote accordingly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, parliamentary inquiry: How much time is remaining on both sides, and at what time will the vote take place?

The PRESIDING OFFICER. There are 18 minutes 39 seconds on your side and 15 minutes 45 seconds on the other side. The vote will occur around 11 o'clock.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Maine, Ms. SNOWE.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. SNOWE. Thank you, Mr. President. I thank Senator DORGAN for his remarkable leadership on this most important matter.

Drastic times require drastic measures. That is why I stand with my colleagues today in support of this resolution which will help and safeguard one of our most precious possessions—the right of free and diverse exchange of opinions.

The decision that has been made by the FCC will no doubt pave the way for even greater concentration of media ownership in the hands of a select few and deprive the public of the diversity of viewpoints that I happen to believe is so essential to democracy and objective reporting in America.

The FCC's June vote on media ownership ultimately, as I said in the committee, is truly the ''deregulatory'' express out of the station. Now we are on track toward even greater ownership concentration and unfettered consolidation.

Some have said that with exponentially more media outlets than ever before, we should have nothing to fear. While more mouths speaking is good, having more mouthpieces guarantees neither diversity of opinion nor information. The point is the amalgamation of control in media outlets. We cannot ignore the fact that diversity of discourse in America is an essential underpinning.

When it comes to changes allowing media mergers in over 150 markets representing 98 percent of the American population, and when reports show that 5 companies or fewer control about 60 percent of television households in just the next few years, we should all be very concerned.

I know some have said the process and the outcome of the FCC media ownership, as we heard from the FCC Commissioners before the Senate Commerce Committee, were preordained by the statutes and by the courts. The courts did not prescribe what the limits should be. Neither did they set a date certain. Rather, what they said was that whatever the limits are, there needs to be a solid factual record demonstrating that they are in the public interest.

How does one determine what is in the public interest? It is aggressively seeking the input of all stakeholders—not just simply notifying the public, notifying the Congress, and that simple disclosure is, in and of itself, sufficient. Absolutely not—not in this unprecedented realm of issues.

When we look at the record, what we find is that the FCC only held one public hearing. The committee urged them to conduct a series of public hearings across the country. But they only held one public hearing. Even with one public hearing, the FCC received an unprecedented amount of input from the public when it came to this issue. Even though they did not have the opportunity to participate in public hearings, they sent more than 700,000 e-mails, letters, and calls from across the country.

This is unprecedented in the history of the FCC.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

I rise to speak in opposition to S.J. Res. 17. I had the opportunity to make a full statement last week. In my time as chairman of the Senate Commerce Committee, no issue has erupted so rapidly and evoked such passion from the public as media consolidation. These are critically important decisions.

If we could have a little straight talk this morning, if the Senate passes this resolution, there is no objective observer that believes the House will act accordingly. Now, the Senator from North Dakota may think it is important to have this Senate on record, and I don't disagree with that at all. Any prospects of it becoming a reality is minimal, at best. We should all recognize that.

Second, all kinds of allegations have crept in about various motivations on both sides of this issue. Some have been accused of wanting to return to the fairness doctrine. Some are saying it is because of ideological bias, dislike of talk radio, or dislike of the New

York Times acquiring more cable companies and media. I don't accept any of those arguments from both the right and left. There is legitimate basis for concern about continued consolidation of the media. This is not the appropriate vehicle for addressing that in 4 hours of debate and a blanket repudiation of regulations, some of which have been good, in my view, because they have reined in, at least to some degree, the continued consolidation in the most egregious and most incredible media consolidation, and that is radio in America today.

We have legislation passed through the Commerce Committee, S. 1046, which after being composed, marked up, amended, and debated in the Commerce Committee is on the calendar and ready for floor consideration. If we are serious about addressing this issue, we should do it by calling up from the calendar for debate and amendment S. 1046 and we can explore the myriad and complex aspects of this issue.

For example, the Appropriations Committee has now added, I am told, to their bill the 45-percent cap being rolled back to 35 percent. According to BusinessWeek magazine, the 45-percent cap has become a rallying symbol, but the regulations that would truly reorder America's media landscape and affect local communities have flown under the radar. These allow companies to snap up not only two to three local TV stations in a market but also a newspaper and up to eight radio stations.

If the courts and Congress are worried about the dangers of media consolidation, they will have to resist calling it a day after dispensing with the network cap and go after the rules with real bite. As it now stands, TV's big networks will be losers among media outlets, thanks mostly to vociferous lobbying by independent TV affiliates. With strong ties to lawmakers who depend on them for campaign coverage, the affiliates have succeeded in getting a House vote against the 45 percent and will likely see a rerun of that episode when the Senate votes by October.

With Fox and CBS already each owning stations that cover about 40 percent of the Nation's audience, going up another 5 percent is not going to make a dramatic difference. In contrast, opening the floodgates to allow local behemoths to combine newspapers, TV, and radio stations under one roof would change media ownership in towns and cities, concentrating it in the hands of a few. Even in midsized cities such as San Antonio, for instance, one company might own the leading newspaper, two TV stations, eight radio stations, and several cable channels.

What we are doing is interesting but if we are going to address this issue in a serious fashion, and there is reason for concern, we ought to do it in a fashion far different from this.

I point out that the CRA precludes an agency adopting similar rules without substantive congressional legislation. In other words, the FCC would be prevented, if this is passed, from acting on any rules regarding media consolidation. Almost all Members of this body have some degree of concern at least about some aspect of it.

I hope all of our colleagues had the opportunity to see the Wall Street Journal article on September 15 entitled: Show of Strength: How Media Giants Are Reassembling The Old Oligopoly; Mix of Broadcast and Cable Proves Lucrative in Making Deals.

Viacom and its big media peers have been snapping up cable channels because they are one of the few entertainment outlets generating strong revenue growth these days. More broadly, the media giants have discovered that owning both broadcast and cable outlets provides powerful new leverage over advertisers and cable- and satellite-TV operators. The golaiths are using this advantage to wring better fees out of the operators that carry their channels and are pressuring those operators into carrying new and untried channels. They're also finding ways to coordinate promotions across their different holdings.

Entertainment giants such as Viacom, NBC parent General Electric Co. and Walt Disney Co., which owns ABC, now reach more than 50 percent of the prime-time TV audience through their combined broadcast and cable outlets. The total rises to 80 percent if you include the parents of newer networks—such as New Corp.'s Fox and AOL Time Warner Inc.'s WB—and NBC's pending acquisition of Vivendi Universal SA's cable assets, estimates Tom Wolzein, an analyst at Sanford C. Bernstein & Co.

The big media companies are quietly re-creating the ''old programming oligopoly'' of the pre-cable era, notes Mr. Wolzein, a former executive at NBC. Of the top 25 cable channels, 20 are now owned by one of the big five media companies.

The idea of owning broadcast networks as well as cable channels is ''comfortable for people like ourselves,'' says Bob Wright, chairman of NBC, which two weeks ago signed a preliminary agreement to acquire Vivendi Universal's USA and Sci-Fi cable channels, along with the Universal film studio, bolstering a stable of cable channels that includes Bravo, MSNBC and CNBC. ''There has been so much consolidation'' among the distributors that ''unless you are equally big . . . you risk a situation where you can be marginalized,'' says Viacom President Karmazin.

Viacom president Karmazin is a man, who, by the way, I happen to admire enormously.

I am not blaming any of these people, executives or organizations, for seeking to gain as much market share as they can. But the reason I refer to this Wall Street Journal article is this is a complex set of issues. When we are talking about cable consolidation, cable rates, all of the other.

Since 1990, almost half of the top 50 cable channels have changed hands. Among the big deals: Disney's $19 billion acquisition of ESPN's parent, Capital Cites/ABC, and Time Warner's $6.7 billion purchase of CNN parent Turner Broadcasting, both negotiated in the summer of 1995. In 2001, Disney bought the Family Channel from News Corp. for $5.2 billion.

Last year, NBC bought Bravo for $1.3 billion. CBS, owner of The Nashville Network—now Spike TV—and Country Music Television, itself was gobbled up in 2000 by MTV's longtime parent, Viacom. Viacom has since added channels such as BET and Comedy Central.

Mr. Karmazin recently boasted to investors that the company's broadcast and cable outlets reach 26 percent of the Nation's viewers in prime time, a significantly bigger share than any other company. Having such a big market share is ''real important for lots of reasons, in terms of dealing with advertisers and our cable partners,'' he told investors.

There is something going on here that deserves investigation, not just a simple CRA vote and then move on. At the hearing before the Commerce Committee, all five FCC Commissioners agreed—all five, for one of the first times I have ever heard the FCC Commissioners agree to anything—the consolidation of radio that occurred in local markets has been excessive. While it received little credit amid the outcry against the regulations, the FCC attempted to address this problem by describing new market definitions designed to tighten the limits on logical radio ownership.

The resolution would have the perverse consequences of eliminating these efforts and prohibiting the FCC from adopting similar measures in the future, a move that surely will be applauded in the corporate offices of large radio station groups that hope to perpetuate their ability to benefit from existing loopholes.

Likewise, this resolution could have grave unintended consequences for other media ownership rules the Commission decided to leave unchanged.

For example, the FCC retained its limit on the number of local radio stations one entity may own and retained its rule prohibiting one entity from owning two of the four largest television networks. The decision to retain these rules will also be rejected if the resolution is enacted. If the FCC were to read this statute, as many have, as limiting its permissible actions in biennial review proceeding to exclusively deregulatory changes to its rules, the FCC may have no choice but to raise the number of stations that one entity is permitted to own in a local market or eliminate the dual rhetoric network rule. This cannot be the outcome intended by the sponsors of this resolution, though it is one that could conceivably result.

Finally, the use of the CRA in the present case will create a regulatory

void likely to be filled only by uncertainty about the status of the FCC's media ownership rules. As a result, all of the rules, even those that the proponents of the resolution favor, may be vulnerable to court action. The absence of an affirmative congressional directive will cast considerable doubt on the FCC's ability to enforce its previous rules given that one of the FCC's previous attempts to retain the rules was found by the DC Circuit to be arbitrary and capricious. Another was found not to have justified that the rules are necessary in the public interest. In both cases, the DC Circuit remanded the rules to the FCC and directed the agency to either articulate a justification for retaining the rules or modify them. The lack of an enforceable FCC order will leave these court orders unanswered, risking additional court action that relaxes the rules even further or even invalidates them entirely.

My point is that we have a very complex set of issues to address. I believe there is reason for concern about media consolidation, as the Senator from North Dakota has fairly overused the comment that there are many voices and one ventriloquist. At the same time this action would invalidate both good and bad, this action would make many believe that we have resolved the issue and moved on.

On the calendar is S. 1046, a bill that was properly considered and reported out by the Commerce Committee. That is the way we should be addressing this issue so that this issue can be fully ventilated and fully understood.

I reserve the remainder of my time.

Mr. BOND. Mr. President, I oppose the Dorgan Resolution, S. 17, which would block the entire Federal Communications Commission's ruling revising the rules on media ownership.

Since the FCC issued this ruling on June 2, 2003, a multitude of interest groups have proclaimed that this decision represents a serious blow to democracy in America as we know it. To say that this claim is a gross exaggeration is a huge understatement.

While I do not agree with every element of the FCC ruling, I must admit that I believe it would be short sighted to block the ruling entirely. I also think that every stakeholder who is concerned about this ruling should look at the facts that prompted the FCC to make this ruling. Furthermore, I believe it is imperative that one examine the actual facts in the ruling in order to dispel some of the myths that have surfaced with regard to it.

In its ruling, the FCC incrementally increased the national TV ownership limit from 35 percent to 45 percent. What this says is that one company can own TV stations reaching no more than 45 percent of U.S. TV households. It does not mean that one company can own up to 45 percent of all TV stations across the country. In addition, the ruling does not even say that a company can own stations whose programs reach 45 percent of the viewing public or market share.

For example, Newscorps, Fox, the second largest owner of stations currently owns 37 or 2.8 percent of the 1,340 commercial stations across the country. Under the new 45 percent cap set forth in the FCC ruling, Newscorps would be able to acquire, at best, another five stations nationwide. In light of this information and in light of the court mandates, the FCC action on this issue hardly represents a massive increase.

The FCC promulgated this increase in response to several court decisions striking down specific limits on the number of broadcast entities that one company may own. Since 1998, the FCC has lost five out of five cases that challenged its previous media ownership rules. According to the U.S. Court of Appeals for the District of Columbia, the Telecommunications Act of 1996 ''carries with it a presumption in favor of repealing or modifying the ownership rules (Fox v. FCC).''

In the Fox v. FCC decision, which was handed down in February 2002, the court ruled that the FCC's action—on broadcast ownership limits—was ''arbitrary and capricious and contrary to law'' because ''it failed to give an adequate reason for its decision'' to keep the 35 percent cap. In the same case, the court ruled that the commission ''provided no analysis on the state of competition in the television industry to justify its decision to retain the national cap.'' The court in its remanding decision ordered the FCC to rethink its rules on media ownership.

Another aspect of the FCC ruling involved the modification of the FCC's rules relating to newspaper/broadcast cross ownership and radio-television cross ownership. In its ruling, the FCC replaced these rules with a new set of cross media limits. It is important to understand that the FCC did not totally repeal the 28-year-old newspaper/broadcast ownership ban in all markets; it simply modified its rule with newer broadcast/cross ownership regulations to reflect the changing circumstances of today's diverse media marketplace.

Under the new FCC rules, in small markets with three or fewer TV stations the ban will continue to be enforced. In mid-sized markets, with 4 to 8 TV stations, limited cross ownership is allowed. In diverse and competitive markets with 9 or more TV stations, the ban is lifted entirely.

This is the major decision in the FCC ruling that I support, and it is the main reason that I cannot support the Dorgan resolution. Simply put, the previous rule supporting the cross ownership ban is outdated given the current diversity and multiple sources of news information in today's media marketplace.

When the broadcast/newspaper cross ownership provisions were adopted in 1975, the three television networks of the time held more than 90 percent of the viewing audience and only 17 percent of households subscribed to cable TV. However, due to the technological revolution of the past two decades, there has been a significant increase in the number of news and information sources with the widespread availability of cable TV, satellite and the internet as well as substantial increase in the number of radio and TV stations, magazines, and free weekly newspapers.

Yet, despite the availability of these new media sources, many groups are still objecting to this modest change in media cross ownership. They feel that this modification will drastically reduce the quality news and diversity of voices in the media. I believe there is strong evidence to refute this claim.

Unlike other ownership rules, the FCC has actual historical data on what the effect of relaxing this ban will have on the media market. That is because there are already 49 media cross ownership entities that were grandfathered prior to the implementation of this ban in 1975. Some of these cross ownership entities are in major markets such as New York, Chicago, Dallas, Atlanta, Phoenix, Tampa, and Milwaukee.

All of these existing cross ownership entities have had practically no adverse impact on competition. In the past 23 years, there has been no major court case, FCC, FTC, or Department of Justice, DOJ, action objecting to any of these grandfathered cross ownership media entities. Furthermore, the FCC informs me that no entity has ever challenged a license renewal of a TV station owned by a newspaper in the last 25 years. Two recent studies, one by the FCC and one by the Project for Excellence in Journalism, also found that co-owned newspaper/broadcast combinations provide higher quality and more news and informational programming than other broadcast stations.

In light of this evidence, I feel that the FCC's ruling on newspaper/broadcast cross ownership needs to be preserved, and therefore, I oppose the Dorgan resolution.

As stated previously, I do not agree with every aspect of the FCC ruling. I do not support the new method by which the FCC will utilize to define a local radio market. This new definition has resulted in many companies that own multiple radio stations exceeding the new station caps. While the FCC did grandfather all existing combinations to ensure that these radio companies would not be forced to divest stations that they legally acquired, it imposed harsh restrictions on the transferability or resale of these newly noncompliant radio station clusters.

Under the new market definition, those radio clusters that no longer comply with local radio market limits may only be sold intact to small businesses. If a ''small business buyer'' cannot be found, a cluster owner must break up his or her cluster and sell the stations individually. I believe that this strict resale provision unfairly penalizes certain radio broadcasters, who

acquired their stations in good faith under the previous ownership framework.

By narrowing the eligible market of buyers, this resale provision would prevent a radio cluster seller from receiving fair-market value on his or her investment. If most companies are prohibited from bidding on a cluster, the prices offered in these transactions will be considerably smaller than otherwise.

I also believe this resale provision will only make bigger radio conglomerates stronger because it will result in the immediate breakup of clusters that directly compete with these conglomerates.

I intend to petition the FCC for reconsideration of these new local radio rules set forth in the FCC order. However, I do not believe that the entire FCC order should be disapproved, and that is why I oppose the Dorgan resolution.

Ms. SNOWE. Mr. President, drastic times require drastic measures and that's why I stand with my colleagues today in support of S.J. Res. 17, disapproving the FCC's June 2 vote to relax, and in some cases eliminate, the rules that safeguard one of our Nation's most precious possessions, the right of free and diverse exchange of opinion. This decision will pave the way for even greater concentration of media ownership in the hands of a select few and deprive the public to the diversity of viewpoints that are so important to democracy and objective reporting in this country.

In response to the FCC's action, Senator DORGAN and I along with seven other colleagues sponsored S.J. Res. 17. This resolution would simply declare the FCC's June 2 rules on media ownership without force or effect and would leave in place the media ownership rules that existed prior to the Commission's decision.

With the FCC's June vote on media ownership, the ''deregulatory express'' is out of the station—and we are now on track toward even greater ownership concentration and unfettered consolidation. Now, some have said that, with exponentially more media outlets than ever before, we should have nothing to fear. But while more mouths speaking is good, having more mouthpieces guarantees neither diversity of information nor opinion. The point is the amalgamation of control in media outlets and its impact on content—especially with the overwhelming majority of Americans receiving their news from television and newspapers.

We cannot ignore that diversity of discourse in America is an essential underpinning of our society and our democracy. So when it comes to changes allowing media mergers in over 150 markets representing 98 percent of the American population—and when reports show that five companies or fewer could control about 60 percent of television households in just the next few years—we should all be very concerned.

I know that some have said, well, the process and the outcome of the FCC's media ownership review were essentially preordained by statute and the courts. But the courts never proscribed what the limits should be. Neither did they set a date certain by which the FCC must have concluded its process. What the court did say is that, whatever the limits are, there needs to be a solid factual record demonstrating they are in the public interest.

And what is the best way to determine public interest? It's to go above and beyond in notifying and providing full disclosure to the public and Congress, and aggressively soliciting input from all stakeholders—so the public can be confident the best possible decision has been reached. The FCC failed to do this. With more than 700,000 individuals and groups weighing in against the FCC's rule change, the Commission held only one public hearing on the subject of media ownership, I can't help but think there must be a better way.

Let me speak to the FCC's modification of the cross ownership ban, one of the more devastating changes made by the Commission on June 2. Many of us represent States that have communities with only one newspaper, under the new rules the FCC would allow that single remaining paper to be purchased by the dominant television broadcaster in the area. In the context of other FCC rules, the agency recognized that it is bad for local competition to allow 2 of the top 4 broadcast outlets to be consolidated, but in this context, the FCC is allowing the top TV station to buy the top newspaper in almost every media market in the country. Newspapers are one of the most important sources of independent reporting. When the leading TV station gobbles up the paper, what happens to the other TV broadcasters in the market? They simply can't compete at the same level. It seems apparent that the remaining TV stations do less news, or they move to softer news formats. This isn't good for news, this isn't good for democracy.

If the FCC had acted to create more voices—perhaps by requiring those broadcasters who want a television-newspaper combination to start a new newspaper rather than just buying one—I could see the wisdom in their decision. Instead, the FCC has acted to reduce the total number of voices in communities all across the country. Some say that the FCC's decision will allow these newspaper/broadcast combinations in over 190 media markets, covering 98 percent of America's population. Since the newspaper/broadcast rule was put in place in 1975, we have already lost two-thirds of our independent newspaper owners. Let me reiterate that: two-thirds of our independent newspaper owners have disappeared since 1975. And somehow we're going to make democracy better by further reducing the number of independent newspaper owners by allowing broadcaster television owners to buy them—it just doesn't make sense.

The issue of media ownership goes to the heart of our democracy and the crux of the way in which we form our opinions on other issues of critical importance. We need to be extremely careful that in deregulation we don't undermine diversity in the marketplace of ideas and information. I look forward to continuing my work in this area and urge the public to keep the pressure on Congress to undo the damage unleashed by the FCC on June 2. I ask that my colleagues support S.J. Res. 17.

Mr. HATCH. Mr. President. I rise to outline my concerns about Senator DORGAN's resolution to disapprove the Federal Communications Commission's June 2, 2003 decision to relax the broadcast media ownership rules.

The FCC's decision to increase the proportion of market share broadcasters may own in any given market from 35 percent to 45 percent and to give newspaper owners the ability to own radio stations and vice versa has raised significant questions relating to the proper scope of regulation and protection of our fundamental First Amendment values.

As a procedural matter, I am concerned about the Senate acting on the Dorgan resolution given the pending court proceedings reviewing the FCC's rule modifications. On September 3, 2003, in Prometheus Radio Project v. Federal Communications Commission, the Third Circuit Court of Appeals stayed the effective date of the FCC's new rules, pending resolution of the appeal on the merits. No. 03–3388, 2003 U.S. App. LEXIS 18390. Given the procedural status of the FCC's rules, it is premature for the Senate to act on the Dorgan resolution. A more prudent course for the Senate is to await the Court of Appeals decision, review it carefully, and then determine what action, if any, is warranted.

With respect to the substance of the FCC's rule modifications, I want to reiterate my strong support of the bedrock principles underlying the FCC's regulation of our Nation's media: diversity of viewpoints; localism; and competition. I have been—and remain—committed to these principles, particularly with respect to examining critical regulatory and enforcement issues surrounding increased concentration of our Nation's media outlets. We must preserve our fundamental First Amendment values by protecting our marketplace of ideas—that is, freedom of expression and diversity of viewpoints.

When it comes to ensuring competition and diversity in our media markets, I have not—and will not—analyze the issue by blindly condemning all merger consolidations. To me, ''big'' is not necessarily bad. Rather, the issue of media consolidation requires a careful weighing of our Nation's interest in promoting competition and diversity.

In my view, such an analysis requires careful examination of the potential

for anti-competitive conduct, rather than adherence to inflexible regulatory restrictions or hard and fast enforcement rules. Market forces—not Federal across-the-board regulations—will ensure that consumers benefit from a merger or consolidation in the media industry.

Like many of my Senate colleagues, I am concerned about the health and well-being of the small and mid-sized media companies in our nation. In the State of Utah, we have many excellent small and mid-sized media companies who provide a great service to all Utahns. To this end, traditional antitrust enforcement can more effectively and efficiently protect competition and enhance diversity than regulatory one-size-fits-all approaches. I believe appropriate enforcement of our nation's antitrust laws will provide greater protection to small and mid-sized media owners than any arbitrary FCC rules.

In light of all of these considerations, I urge my colleagues to vote against the Dorgan resolution. Given the significant interest in the issue here in the Senate, we should monitor the court proceedings reviewing the FCC rule. Once the Court has acted, we should then determine what appropriate steps, if any, are needed to preserve and protect our bedrock First Amendment principles of media ownership: diversity, local programming and competition.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Dorgan resolution, and in the hope that the FCC will take a careful, second look at the changes it made to media ownership rules.

Not everything the FCC did was something I would oppose. For instance, I support what the FCC did in terms of allowing companies to own a combination of television, radio, and newspapers in the largest of media markets, like Los Angeles, Chicago, New York or San Francisco.

But on the whole, the new FCC rules raise some very real concerns that one or two national companies may begin to dominate too much of the news and other content delivered to American homes.

The American experiment has been one of free press, diversity of voices, fair competition, and the ability to hear, and to be heard. That experiment, in my opinion, has been a resounding success.

Of course, the world has changed, and will continue to do so. As a result, it is sensible for our regulatory agencies to revisit outdated rules and modify them to better suit changing technologies and the changing realities of a more crowded, more advanced nation.

Nevertheless, it is possible to go too far in trying to address these changing realities, and I believe that the FCC has gone too far in crafting some of these new media ownership rules. For instance, in allowing a broadcast network to own and operate local broadcast stations that reach, in total, up to forty-five percent of U.S. television households, instead of thirty-five percent under the old rules, the FCC has opened the door to vast conglomerates of news stations all feeding the same content to almost half the people in the country.

We don't know how or even whether this would happen, but the potential for eliminating local content and reducing the diversity of opinions presented on television is simply too great.

Likewise, the cross-ownership rules—the rules that determine whether a company can own both television and newspapers in the same market, or television and radio, and so on—raise some concerns for markets with just four of five television stations.

In those small- to medium-sized markets, with between four and eight television stations, combinations are limited to one of the following:

One daily newspaper, one television station, and up to half of the radio station limit under the local radio ownership rule for that market; one daily newspaper, and up to the radio station limit under the local radio ownership rule for that market, but no television stations; or two television stations, if permissible under the local television ownership rule, and up to the radio station limit under the local radio ownership rule for that market, but no daily newspapers.

The old rule prohibited common ownership of a full-service broadcast station and a daily newspaper within the same city. In fact, according to the Congressional Research Service, when it adopted the rule in 1975, the commission not only prohibited future combinations between newspapers and broadcast stations, but also required existing combinations in highly concentrated markets to divest holdings to come into compliance within 5 years. But under this new rule, one company could own the largest television station in town, the only newspaper, and half the radio stations. It is easy to see how, in these mid-sized markets, the amount of diverse content would rapidly diminish.

On the other hand, I am not as concerned with the new rules pertaining to larger markets like Los Angeles. In a market with more than two dozen television stations and countless radio stations and newspapers, it is far less likely that one or two companies could come to control enough of the media market to truly stifle diversity of opinion or competition among content sources.

So it is my hope that the FCC will go back and reexamine these new rules, keeping in mind the concerns of Congress and the American people, who have spoken out loud and clear about this issue. Fix what needs to be fixed, keep what is not broken. But come up with a new set of rules that makes sense for all Americans.

Mr. LEVIN. Mr. President, I have long been concerned about the implications of too much media concentration. During the Senate consideration of the 1996 Telecommunications Act, I voted for an amendment authored by Senator DORGAN to keep the Television National Broadcast Cap at 25 percent of television households that a broadcast company could reach through its local broadcast stations. I opposed increasing the cap to 35 percent as the 1996 bill allowed.

In June the Federal Communications Commission, FCC, voted to adopt an order to relax current media ownership rules. I am a cosponsor of S.J. Res. 17, authored by Senator DORGAN, being considered by the Senate today to disapprove of the FCC ruling to lift media ownership restrictions. Loosening current media concentration restrictions would allow the media to become less responsive to local concerns and less likely to represent broad and diverse viewpoints. This is not in the public interest and should not be allowed.

Today Members of the Senate can oppose these detrimental rule changes that will result in greater media concentration and less consumer choice by voting to disapprove them under the Congressional Review Act.

I have supported the congressional review of rules dating back even before I came to the Senate. And I am proud and pleased that we have the opportunity to use it to stop this FCC rule today. This is exactly the situation in which the legislative review process is not only useful but necessary.

When I first ran for the Senate in 1978, legislative review was actually a part of my platform. With all of the power executive agencies have we need to have a mechanism by where the politically accountable—that is the elected officials—can have a direct say in the rules and regulations issued by Executive Branch agencies. These agencies are supposed to be carrying out the will of Congress, and we have not only the right, but the responsibility to oversee their actions.

I joined forces in the late 1970's and early 1980's with then Congressman Elliott Levitas in the House. In fact, along with Senator David Boren of Oklahoma, we got the legislative veto passed. But that law was held unconstitutional by the courts in the Chadha case because it allowed for a one house veto. The court ruled that legislation subject to the President's veto power is necessary to avoid violating the principle of separation of powers.

We then fought to establish a congressional review process. It was with the bipartisan effort of Senators HARRY REID and DON NICKLES almost 10 years ago, that we finally got legislative review enacted into law and I was proud to be part of that effort.

And I'm glad to see that what many of us argued decades ago in support of this review process has proven to be true. This congressional review process is a two-edged sword. Some opponents argued it would be used only to limit

valuable social programs, but we proponents argued that it was neutral politically—that it could be just as useful to protect against an agency that is regulating too little as it could be to rein in an agency that is regulating too much, or as with the case of the FCC, regulating unwisely.

Ms. CANTWELL. Mr. President, earlier this year, the Federal Communications Commission, FCC, issued rules making changes to long-standing limits on the types and amounts of media outlets that can be owned and controlled by a single company. These rule changes drastically increase the ability of a few companies to control access to information in this country. The rule changes undermine the public interest and do nothing to ensure diversity of viewpoints, ''localism,'' coverage of events in local communities by people who are a part of that community, or to ensure that healthy competition exists amongst media outlets.

The American people know these changes are not in the public interest, and that is why I have heard directly from more than 1,650 of my constituents urging Congress to overturn the FCC's actions.

Specifically, the rule changes adopted by the FCC earlier this year would allow a single company to control television stations with access to almost half of the American broadcast audience. How that can be billed as increasing competition or diversity of viewpoint is a mystery. Given that these rules were written with only one public hearing and without opportunity for public comment, it is not surprising that they fail to reflect the public interest.

It is important to recognize that overturning these rules is not just about preventing additional domination of the airwaves. It is about ensuring the survival of local newspapers that genuinely know and are a part of the community.

The rule changes would allow the sole or dominant newspaper in a city to merge with the top broadcaster in 200 of the 210 media markets in the country! That would mean 98 percent of the American public could effectively lose an independent voice in their community. Already, since 1975, two thirds of independent newspaper owners have ceased to exist, leaving only 290 independent newspapers in a country of 292 million people.

If these rules are allowed to take effect, it will mean fewer reporters on the ground chasing stories in our local communities, and less local investigative journalism. It would make it possible for individual markets to be dominated by a single newspaper/TV conglomerate which could control well over half the news audience and two-thirds of the reporters in a given local market.

Inevitably, the merging of broadcasters and newspapers reduces the number of voices in individual markets and threatens to place too much control over local news and information in the hands of too few companies. Repackaging and repeating stories produced in other venues is not the same as real reporting of local news.

One of the most common refrains that we hear to justify this tremendous change is that new outlets for news and information are now available. While I firmly believe that we are only at the cusp of an information age that will drastically change how we receive information, it makes no difference if the new access points are controlled by fewer people.

The reaction to these rules has been quick and sure. I have heard from over 1,650 of my constituents directly, an additional 10,000 through the Move On petition. The House and the Senate Appropriations Committee have taken action to reverse the increase in the cap on broadcast audience in the appropriations process, and the Third Circuit Court of Appeals has temporarily halted implementation of these rules. But the clearest way to send a message to the FCC that these rules cannot stand is to pass this resolution disapproving the rule changes. We expect the FCC to be a watchdog not a lapdog.

I urge my colleagues to vote for this resolution as a first step in reinvigorating competition and preserving local control in mass media.

Mrs. BOXER. Mr. President, I rise to support the Senate resolution to overturn the Federal Communications Commission's, FCC, decision to relax our Nation's media concentration rules. That decision threatens our democracy by placing more power over what we see and hear in the hands of fewer big interests.

The voices of those who oppose the FCC decision range from Bill Clinton to Bill Safire, from the National Rifle Association to the National Organization for Women. I am particularly disappointed with the manner in which the agency has ignored these voices. The FCC held only one public hearing on these rules. But commissioners and their staff met with just one firm lobbying on behalf of big media more than 30 times.

The agency received more than 700,000 letters opposing the relaxation of the rules and only a handful supporting that decision but failed to take that overwhelming public sentiment into consideration. I reject the FCC rule because the FCC ignored the people's concerns.

Congress must send the agency a clear bipartisan message—the airwaves belong to the American people, not to you and not to a small group of media elites. The FCC must be forced to address the concerns of the American people. The people know that the FCC decision to relax our media ownership threatens democratic discourse and participation. It will allow massive media giants to grow—media giants that already use multiple media outlets to promote their views and overwhelmingly dominate public debate.

The courts told the FCC to explain why the rules were justified. With the more than 700,000 public comments opposing relaxation of the rules, the agency had that justification. The American people understand that it cannot be in the public interest to further relax the rules that protect the public's access to multiple sources to information and media. My office alone has received 4600 letters and e-mails on the issue.

The FCC is charged with protecting the public interest. In this case, I believe the commission has failed and Congress must act.

Mr. BUNNING. Mr. President, in June, the Federal Communications Commission, FCC, issued an order that modified its media ownership rules in accordance with the 1996 Telecommunications Act. The modified rules increased from 35 percent to 45 percent of households the cap governing broadcast network ownership. The new rules also make easier newspaper-broadcast cross ownership by largely lifting the ban prohibiting a newspaper from buying a TV or radio station in the same market.

S. J. Res. 17 would overturn all aspects of the FCC ruling. I do not believe the FCC ruling is without flaw, but a blanket negation of the rulemaking is not an appropriate response. Though I am not in favor of the increased cap governing broadcast network ownership, I do support the modified newspaper-broadcast cross ownership rule. I believe the relaxed cross ownership ruling encourages a concordant relationship between newspapers and television stations that will offer a higher standard of quality in news content and reporting. This, in turn, reaps innumerable benefits for communities across America. As I believe the value of the modified cross ownership ruling usurps the potential dangers of the increased cap governing broadcast network ownership, I cannot support S. J. Res. 17.

To unequivocally vacate all aspects of the FCC ruling is to do a disservice to incalculable citizens across this country who will benefit from the modified newspaper-broadcast cross ownership rule. For the aforementioned reasons, I am voting ''no'' on S. J. Res. 17.

Mr. KENNEDY. Mr. President. In a strong democracy, a variety of views must be available to citizens. Protections are essential so that minority views can be heard. That was the vision of America's founders when they drafted the First Amendment to the Constitution, and it has served the Nation well. Its principles are especially important today. Neither the broadcast industry nor anyone else is entitled to a monopoly over the dissemination of information in our society.

The presence of a diversity of voices, each contributing to our national discourse, is essential for the functioning of our democratic society. And the best way to foster that diversity is through competition.

Today, however, an increasingly serious problem is being caused by the buyouts of local broadcast stations by national media conglomerates. Competition suffers, and local issues of great importance to individual communities often go unheard.

Many of us in Congress are deeply concerned that the remaining diversity of our media will be further be reduced by the Federal Communications Commission's recent decision to weaken media ownership rules. The new rules allow even greater media concentration, in spite of its adverse effect on competition, the diversity of views, and major national, State, and local priorities.

I support Senator DORGAN's proposal to reject these rules, because they are not in the public interest, and would seriously weaken the protections in current law that prevent excessive concentration in the broadcast industry. The public has little to gain and a great deal to lose if we allow the FCC to slash the protections that serve them so well.

Each weakening of restrictions on media ownership in recent years has been followed by a burst of new corporate consolidation. Mergers have sharply reduced the number of media companies and threaten to erode the diversity and competition that are so important to our Nation. The new rules will greatly increase this problem, by allowing fewer firms to control the flow of information—locally or nationally. It makes no sense for Congress to allow restrictions on the flow of information that is so important to our democracy in this information age.

As a trustee of the Nation's public airwaves, the FCC has a responsibility to include the American public in its decision-making process. Yet the commission has largely ignored public comment and debate before it these sweeping changes in the nation's broadcasting rules.

The commission agreed to one public hearing on the overall issue, and it refused to publicly disclose the rules before they were voted on. Such secrecy is unacceptable. What possible harm can come from public disclosure? The commission's ''notice and comment'' procedure is intended to allow an informed debate about these important issues of public policy, but in this case the agency used its procedures to keep the public in the dark.

Even with incomplete information, the public reaction against the proposed changes has been unique in the history of the FCC. The commission received nearly three quarters of a million comments, and over 99.9 percent of them opposed the increase in media consolidation.

As a result, a wide variety of organizations—including civil rights groups, churches, family values groups, and labor unions—have called on the FCC to reconsider the proposal. The National Rifle Association, the National Organization for Women, and many others expressed grave doubt about the wisdom of allowing greater consolidation. Nevertheless, the FCC approved the new rules.

I urge my colleagues to send a clear message today to the commission and the public by nullifying these rules and reversing this misguided decision the commission to support the interest of media conglomerates and ignore the public interest.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, today the Senate will vote on a joint resolution, of which I am a proud cosponsor, to disapprove the Federal Communications Commission's June 2, 2003, rules designed to loosen restrictions on broadcast media ownership. It is the Commission's responsibility to ensure that media ownership rules serve our national goals of diversity, competition and localism. Unfortunately, the Commission's June 2, 2003, ruling fails to meet this standard.

The resolution before us today would reverse the FCC's decision to change the national television ownership cap from 35 percent to 45 percent, a decision that threatens local and independent voices in television. The television industry is undergoing rapid consolidation as a handful of national networks have acquired local stations across the country. I am concerned that when local stations are purchased by a national network, independent voices are lost in the media marketplace. Locally owned and operated stations are more likely to be responsive to local needs, interests and values than those stations owned and operated by national networks. Indeed many local stations are small businesses that drive innovative competition. A system of concentrated station ownership will trend toward nationalized programming aimed primarily at maximizing revenue with less concern for local interests and less room for competition.

The resolution before us today will also reverse the FCC's decision to significantly loosen restrictions on cross-ownership of broadcast stations and newspapers within single markets. The cross-ownership rule is intended to increase or at least maintain the number of independent editorial voices in a community. This is especially important in smaller communities where citizens have fewer media operations covering local matters. While there is scant evidence that weakening this rule will result in significant economic benefit, leading academics and media experts have argued that doing so will dangerously reduce the venues for independent public discourse.

I am also concerned with the process by which the FCC conducted these proceedings. This media ownership rulemaking is among the most important the FCC has undertaken, and it has garnered unprecedented public interest. Despite this, the Commission moved forward with dramatic rule changes without first taking public comment on a specific proposal. The Commission's outreach was simply insufficient. All parties concerned would have been better served if the Commission published a specific proposal and then allowed for a period of public comment before promulgating any rule changes.

The Commission's first responsibility is to ensure diversity, competition and localism. The Commission has no responsibility to facilitate the business plans of the major networks or any other narrow economic interest. I strongly support the disapproval resolution before us today.●

Mr. LEAHY. Mr. President, the Federal Communications Commission's rules pertaining to media ownership have long served a vital function, helping to ensure a diversity of viewpoints in the media marketplace. The FCC's attempt to undo these important rules that have served us so well is misguided and harmful. The FCC's 35 percent cap on national audience reach has not only served to promote diversity, it also protects local programming, allowing it to reflect local values and preferences. If the cap is increased to 45 percent we can be sure that major networks will meet or exceed the new threshold, as some companies have done under the current standards, allowing for the acquisition of local stations while eliminating the unique choices that local programming can provide.

I am also concerned about the FCC's effort to remove the newspaper/broadcast cross-ownership limitations in 80 percent of all media markets. Currently, cross-ownership rules prevent a single corporation from becoming too powerful a voice in a given community. Lifting the cross-ownership ban will leave many communities reliant on one company to decide what they are able to see and hear.

There are those who argue that the increase in the number of media outlets has obviated the need for such rules. The reality, of course, debunks this notion. While the number of media outlets has increased, ownership has become more concentrated. What's more, many of the largest new media outlets appear to be owned and controlled by the same conglomerates that control traditional media.

In light of these facts, it seems illogical that the FCC would exacerbate a disturbing trend that is transforming the marketplace of ideas into little more than a corporate superstore. A recent, troubling tendency of the large media companies was highlighted in The Wall Street Journal this week in an article noting these companies' rapid acquisitions of cable channels to ''re-create the old programming oligopoly'' of the pre-cable era. The numbers tell the story. Of the top 25 cable channels, 20 are now owned by one of the big five media companies, according to The Wall Street Journal article of September 15, 2003.

The unsettling statistics extend to other communications branches as well. According to the Economic Policy Institute, the number of owners of commercial radio stations has declined by approximately 25 percent since 1996. Even more alarming is the fact that since 1995, ''the number of entities owning commercial TV stations has dropped by 40 percent.''

I welcome and strongly encourage the emergence and proliferation of new and different platforms for news and information. We can expect that more and more Americans will gain access to and will use these resources. In our democratic society, there still are good and sound reasons for encouraging and protecting the diversity of viewpoints available in more traditional media. The FCC—to which the American people have entrusted some of this responsibility—should be working to diversify, not homogenize, the news and information media available to the American public.

I ask the Wall Street Journal article of September 15, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 15, 2003]

HOW MEDIA GIANTS ARE REASSEMBLING THE OLD OLIGOPOLY

(By Martin Peers)

Two years ago, Mattel Inc. gave CBS a choice. The network had refused to broadcast the toymaker's movie ''Barbie in the Nutcracker'' in prime time. So Mattel threatened to pull millions of dollars of advertising from the Nickelodeon cable channel—owned by CBS parent Viacom Inc.

Viacom, which had spent a decade bulking up with acquisitions, now wielded its new clout, according to people familiar with the situation. If Mattel made good on its threat, Viacom said, it would be blacklisted from advertising on any Viacom property—a wide swath of media turf that also includes MTV, VH–1, BET, a radio broadcasting empire and even billboards. Mattel backed down, and the Barbie movie ended up running during a less-desirable daytime period.

Neither company will comment on the scrape, but Viacom says Mattel remains a ''valued advertising partner.'' More generally, President Mel Karmazin in an interview is blunt about his company's strategy: ''You find it very difficult to go to war with one piece of Viacom without going to war with all of Viacom.''

Viacom and its big media peers have been snapping up cable channels because they're one of the few entertainment outlets generating strong revenue growth these days. More broadly, the media giants have discovered that owning both broadcast and cable outlets provides powerful new leverage over advertisers and cable and satellite-TV operators. The goliaths are using this advantage to wring better fees out of the operators that carry their channels and are pressuring those operators into carrying new and untried channels. They're also finding ways to coordinate promotions across their different holdings.

Entertainment giants such as Viacom, NBC parent General Electric Co. and Walt Disney Co., which owns ABC, now reach more than 50% of the prime-time TV audience through their combined broadcast and cable outlets. The total rises to 80% if you include the parents of newer networks—such as News Corp.'s Fox and AOL Time Warner Inc.'s WB—and NBC's pending acquisition of Vivendi Universal SA's cable assets, estimates Tom Wolzien, an analyst at Sanford C. Bernstein & Co.

The big media companies are quietly recreating the ''old programming oligopoly'' of the pre-cable era, notes Mr. Wolzien, a former executive at NBC. Of the top 25 cable channels, 20 are now owned by one of the big five media companies.

The idea of owning broadcast networks as well as cable channels is ''comfortable for people like ourselves,'' says Bob Wright, chairman of NBC, which two weeks ago signed a preliminary agreement to acquire Vivendi Universal's USA and Sci Fi cable channels, along with the Universal film studio, bolstering a stable of cable channels that includes Bravo, MSNBC and CNBC.

For the past several years, Viacom and other media companies have pressed the Federal Communications Commission to relax restriction on owning local TV station. One of their main arguments: Their audience is shrinking as cable booms and the TV audience fragments. The original three broadcast networks now capture only 33.7% of the prime-time television audience, down from 69.3% in 1985–86. Cable now boasts a 49.3% share, compared with 7.5% in the mid-'80s, according to a Cabletelevision Advertising Bureau analysis of data from Nielsen Media Research.

But with the wave of consolidation and the increased reach of the media giants, some cable systems are fighting to keep restrictions on TV-station ownership in place. Cox Enterprises, parent of the fourth-biggest cable operator, Cox Communications, has argued that the big broadcasters are abusing protections granted them under federal law. The broadcasters, Cox argues, are using those protections to charge cable systems more for their cable channels. Cox and others have complained to the FCC that media companies make them accept less-popular cable channels in exchange for carrying their broadcast networks.

Media companies counter that their consolidation only puts them on a level playing field with cable operators, who are themselves merging into giants. Comcast Corp.'s acquisition of AT&T Corp.'s cable division last year gave it a reach of more than 21 million homes, for instance, almost 30% of homes served by cable. Comcast has already begun to tell cable channels it wants to save money on what it pays for programming, setting the scene for increasingly contentious negotiations with big media companies.

''There has been so much consolidation'' among the distributors that ''unless you are equally big . . . you risk a situation where you can be marginalized,'' says Viacom President Karmazin.

FOLLOWING THE MONEY

In buying up cable channels, the media conglomerates are simply following the money. The music business is shrinking rapidly as piracy eats into sales. Universal Music Group, the world's biggest, is now thought to be valued at $5 billion to $6 billion, less than half what it was a few years ago. The film business is volatile, with a quarter's performance dependent on whether movies bomb or not. The publishing business is steady but grows at a slow pace. Broadcast television's audience is shrinking, and its business model is entirely dependent on advertising revenue, a cyclical business.

Cable channels are gushing cash because they generate revenue from two sources—subscriptions and advertising. The subscriptions don't come directly from customers, but through cable-TV services, which operate the vast array of wires and pipelines connected to homes, and through satellite-TV services that beam the signal. For the right to carry the programming on their systems, these cable-operating companies pay a range of monthly fees, from 26 cents a subscriber for VH–1 to more than $2 for ESPN. These fees, for the most part, increase every year, providing a steadily rising annuity for the channel owners.

As cable viewership has increased, so has advertising. Since 1980, cable-channel ad revenue has risen from practically nothing to $10.8 billion in 2002, according to the Cabletelevision Advertising Bureau. Some channels, meanwhile, are cashing in on strong brand names. Nickelodeon, for one, is a merchandising powerhouse, with products including Dora the Explorer backpacks and SpongeBob SquarePants videogames.

The result has been an explosion in profits. MTV earned just $54 million in 1989, estimates Kagan World Media, but is expected to make more than 10 times that much this year. QVC, the home shopping channel, generates so much money that Liberty Media recently agreed to buy full ownership of the channel at a value of about $14 billion—the same value put on all of Vivendi Universal's film and TV assets.

Cable channels' surging profits have transformed the bottom lines of their parent companies. E.W. Scripps Co., the 125-year-old Cincinnati newspaper publisher and TV-station owner, now relies on its cable division for much of its profit growth. In 1994, Scripps launched the Home and Garden channel on the initiative of a TV executive, Ken Lowe, amid widespread skepticism. One Scripps newspaper publisher approached Mr. Lowe at the time to complain ''a lot of the cash that I'm making here is being shipped to you . . . You better know what you're doing,'' Mr. Lowe recalls.

Nine years later, HGTV has become one of the most popular cable channels with shows such as ''Design on a Dime'' and ''House Hunters.'' Scripps added a controlling stake to the Food Network in 1997. In the second quarter of this year, the impact of cable channels, including the Home and Garden channel and the Food Network, was clear; Newspaper and broadcast-TV profits both fell, while cable-channel profit jumped 70%, helping Scripps's net profit more than double. Scripps stock is trading near its 52-week high of $90.65, up almost 30% for the past 12 months.

The publisher who had complained about the cable-channel investment recently thanked Mr. Lowe, now Scripps's CEO, noting that the rise in Scripps's stock price would put his three children through college, Mr. Lowe says.

Since 1990, almost half of the top 50 cable channels have changed hands. Among the big deals: Disney's $19 billion acquisition of ESPN's parent, Capital Cities/ABC, and Time Warner's $6.7 billion purchase of CNN parent Turner Broadcasting, both negotiated in the summer of 1995. In 2001, Disney bought the Family channel from News Corp. for $5.2 billion.

Last year, NBC bought Bravo for $1.3 billion, CBS, owner of the Nashville Network (now Spike TV) and Country Music Television, itself was gobbled up in 2000 by MTV's longtime parent, Viacom. Viacom has since added channels such as BET and Comedy Central.

Mr. Karmazin recently boasted to investors that the company's broadcast and cable outlets reach 26% of the nation's viewers in prime time, a significantly bigger share than any other company. Having such a big market share is ''real important for lots of reasons, in terms of dealing with advertisers and our cable partners,'' he told investors.

Ad sales and marketing executives from the CBS and MTV Networks divisions meet regularly to share information and plot cross-promotional opportunities. In January 2001, MTV staged the halftime show for the Super Bowl, which was broadcast on CBS, featuring performances from Aerosmith and Britney Spears.

Last fall, CBS helped stem a slide in young women viewers of its reality blockbuster series ''Survivor'' with a documentary on the series that ran repeatedly on MTV before the new season of Survivor premiered. The premiere episode of ''Survivor'' on CBS saw a 25% jump in its young female audience, says George Schweitzer, executive vice president of marketing for CBS. CBS promoted its sitcom ''King of Queens'' through a special last Friday on Viacom's Comedy Central cable channel.

PROTECTING ONE ANOTHER

The broadcast and cable sides of Viacom generally don't try to sell ads jointly, but the common ownership allows them to protect each other's flanks. At a presentation to advertisers last spring, MTV executives compared the audience reach for most of MTV Networks with ABC, NBC, Fox and WB—but CBS's figures weren't included in the breakdown, so that MTV didn't siphon ads from its corporate cousin.

Meanwhile, Disney's ownership of both ABC and ESPN allows it to spread out the cost of expensive sports packages such as its deals with the National Football League and the National Basketball Association. ABC Sports is, in fact, overseen by the same executive who runs ESPN, George Bodenheimer, and the two operations regularly promote each other's programming and share talent.

Joint ownership of cable and broadcast is particularly valuable in negotiations with cable operators. A 1992 law allows broadcasters to regularly renegotiate the price for carrying TV stations' signal on cable. While broadcasters could charge a cash fee, they usually offer the broadcast stations free in exchange for carrying a new cable channel they've launched. Few viewers would subscribe to cable if ABC, CBS or NBC weren't on the channel line-up, so the cable operators have little leverage.

The strategy lets broadcasters add more cable channels, including many narrowly focused networks. Since 1993, big media companies have launched at least 35 new cable channels by bartering the right to carry their broadcast stations, estimates George Callard, an attorney with Cinnamon Mueller, a law firm that is counsel to the American Cable Association.

Using such a strategy, cable operators say, Disney has shoehorned its Soapnet cable channel, which features reruns of soaps such as ''General Hospital,'' into services reaching 33 million homes. Disney argues that fewer than half of those homes have the channel as a result of a barter arrangement.

Cox Enterprises complained in a filing with the FCC in January that Cox Communications has to agree to carry Soapnet nationally in exchange for the right to offer ABC stations in just a few of its markets. A Disney spokesman says Cox is a ''savvy negotiator'' that ''wouldn't have signed the deal unless they found value in it.''

Catalina Cable, a cable-TV operator on Catalina Island off the California coast, has only 1,449 customers. Ralph Morrow, Catalina's owner, says he was asked to carry Soapnet when he tried to renew his right to carry a Disney ABC affiliate for the beginning of 2000. He says he suggested paying cash for ABC instead. Disney's response was that the cash fee for ABC would be ''really high,'' he says. ''They made it clear to me'' that he didn't have that option ''at a reasonable price.'' A Disney spokesman says Mr. Morrow mischaracterized its offer, noting that Disney offers operators ''multiple options, including a stand-alone cash offer which we believe to be a fair offer and fair value.''

Mr. Morrow, who says he doesn't see the need for a soap-opera channel, now pays Disney 11 cents a subscriber for Soapnet. Disney responds that surveys of viewers have shown Soapnet to be popular. The channel drew 97,000 viewers in July and August, according to Nielsen. In the same period, HGTV—which is available in about two and a half times as many homes—averaged 457,000 viewers.

Mr. BURNS. Mr. President, I rise today in opposition to the resolution. I say this as someone who is unhappy with the core aspects of the FCC's ruling. I disagree with the move to lift the 35 percent national television viewership cap. I believe the 35 percent ceiling has served us well in preserving the goals of competition, localism, and diversity.

However, the decision was extremely comprehensive and complicated and included some changes which I do favor. For example, I strongly support the Commission's approach to ease the ill-advised restrictions on newspaper-broadcast cross-ownership. The empirical data from the newspaper/broadcast station combinations that were grandfathered in shows that this has allowed for a greater diversity of voices.

Miles City in my home State of Montana provides a vivid example. KATL–AM and the Miles City Star are one such operation. Each operates autonomously and KATL provides valuable local news coverage to the area. Through the pooling of resources, smaller stations which might not be viable are able to maintain their economic health and continue to serve the local community.

Again, I reiterate my strong opposition to the FCC's decision to lift the national broadcast ownership cap to 45 percent from 35 percent. If the major networks are allowed to own even more of their affiliate stations, local concerns will have less of a role in shaping what programming makes it on the air.

Affiliate stations that are independently owned may choose, from time to time, to preempt network programming that they believe does not conform to the mores of their local communities. That is localism. I guarantee that the local views of the citizens of Butte, MT differ from those of the citizens in New York City. Independently owned stations are answerable only to local demands. So, if the station owners feel certain programming doesn't reflect their local community values, they keep it off the air.

Not only will lifting the cap mean that stations are less likely to preempt programming, but it also means that there will be less local input into the composition of network schedules. As the networks own more and more of their affiliates, the independently owned affiliates will lose negotiating leverage. In short, you'll see programming decisions made more and more in Los Angeles and New York, instead of in local markets.

We already raised the national television cap in 1996 from 25 percent to 35 percent. It would be premature to raise it again so soon.

I fully understand the sentiment that lead to this resolution. I agree with the concerns of many of my colleagues, particularly on the television cap. However, this is not the way to go about it.

The Commerce Committee upon which I serve—has moved to protect the national broadcast cap. I also serve on the Appropriations Committee and the Commerce, Justice, State bill for this year includes a measure to protect the 35 percent cap. I support these moves, which target individual rule changes, rather than the resolution being considered today, which rolls back the entire decision.

Again, I emphasize I am not happy with the FCC ruling. But I don't think the answer is to wipe out every aspect of the FCC ruling with one single vote. If we are going to get it right, we need to look at each regulation and each issue individually. Let's not throw out the baby with the bathwater.

I urge my colleagues to oppose the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. MCCAIN. Mr. President, I control the time.

Mr. NICKLES. Mr. President, will the Senator from Arizona yield to me?

Mr. MCCAIN. We have been going back and forth, and I will yield to the other side and then yield to the Senator from Oklahoma.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, I am proud to be a cosponsor of S.J. Res. 17, the joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

I reviewed the press release the FCC issued on June 2 to announce its changes to the ownership rules. The press release was entitled, ''FCC Sets Limits on Media Concentration.'' The problem with that press release was that the FCC did not set limits; it virtually abolished them. A majority of the FCC commissioners capitulated to an industry they no longer hold at arms' length.

I say capitulated because I read that FCC commissioners and other agency officials have taken more than 2,500 trips valued at $2.8 million since 1995, paid for by the industry the FCC is supposed to regulate. How ''arm's length'' is that?

As an aside, I am heartened that the FCC reauthorization bill the Commerce Committee report puts an end to industry-sponsored travel for FCC Commissioners and staff.

With respect to the ownership rules, it was regrettable that FCC Chairman Michael Powell saw fit to hold one and only one public hearing on the subject.

And it was regrettable that Chairman Powell appeared to be willing to talk with industry officials and the press about the proposed rule changes, but not with the Commerce Committee, until the rule was issued.

It was regrettable that the FCC officials went to great lengths to point out that the agency received nearly one million comments and constituent post cards on the rule changes, and then chose to disregard the vast majority of them.

It is regrettable that the so-called ''diversity index'' cited as justification for further deregulation cannot be used in a petition to determine if companies are violating ownership limits.

It is particularly regrettable that three of the five Commissioners apparently feel that news is just another commodity, like shoes or cars.

News is not just another commodity, except to the media barons who stand to benefit most from the FCC rule changes.

Here is what Lowry Mays, the founder and CEO of Clear Channel, had to say in Fortune magazine recently:

> We're not in the business of providing news and information . . . We're simply in the business of selling our customers products.

Remember, this is the man whose company owns over 1,200 radio stations with some 110 million listeners spread across all 50 States and the District of Columbia.

So much for the public interest.

Over the years, Congress established media ownership rules to ensure that the public would have access to a wide range of news, information, programming, and political perspectives. Over the years, the courts have repeatedly recognized the public interest goals of diversity, competition, and localism.

Consolidating media ownership means that a few large corporations can exercise considerable control over the news.

Is it really in the public interest to make it easier for a few companies to dominate the airwaves and determine what news the American people will, or will not hear?

As the distinguished jurist Learned Hand remarked in 1942, ''The hand that rules the press, the radio, the screen, and the far-spread magazine rules the country.''

I am the only member of the Commerce Committee from the New York metropolitan area. In my back yard, News Corp. already owns two VHF broadcast stations, a daily newspaper, a broadcast network, a movie studio, a satellite service, and four cable networks. Under the new rules the FCC issued, News Corp. will be able to add another TV station and own a total of eight radio stations. And do not forget: News Corp. is gobbling up DirecTV.

That is not diversity. That is not ''fair and balanced.''

At a Commerce Committee hearing on media ownership, Mel Karmazin of Viacom argued that ''Americans are bombarded with media choices via technology never dreamed of even a decade ago, much less 60 years ago.''

That is true, but misleading. Who owns these media? Viacom owns CBS and UPN; 35 television stations that reach 40 percent of the national viewing audience; Paramount Studios; and cable channels such as VH1, MTV, BET, Nickelodeon, Comedy Central, and Showtime.

Viacom, through Infinity Broadcasting, also owns 185 radio stations and has substantial ownership interests in several Internet properties, including CBS.com and CBSMarketwatch.com. Viacom even owns Blockbuster, so it has a significant stake in video and DVD rentals.

It should be self-evident that consolidating media ownership would make it possible for a few large corporations to exercise considerable control over the news.

Media giants also exert enormous control over advertisers. I received a letter last month from Neil Faber, president of NexGen Media, a company that specializes in national and spot broadcasting, print, and outdoor media buys. He wrote:

> For decades I have been deeply concerned with this direction of increasing concentration of ownership. This concentration limits consumer choice and results in higher advertising rates that, in all probability, have been passed on to the consumer in the form of higher prices for products or services and tends to constrain diversity of viewpoints.

New York Times columnist William Safire summed up the problem and what is at stake in a May 22 column. He wrote:

> The overwhelming amount of news and entertainment comes via broadcast and print. Putting those outlets in fewer and bigger hands profits the few at the cost of the many. . . The concentration of power—political, corporate, media, cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

In the 1996 Telecommunications Act, Congress directed the FCC to conduct a biennial review of the rule changes the Act contained. Given the complexity of the issue, a biennial review was overly ambitious.

Be that as it may, Chairman Powell said during the biennial review that led up to the rule changes proposed in June, ''Getting it right is more important than just getting it done.'' He said that, but then he did the opposite. The FCC got it done, but did not get it right.

Getting it right means serving the public interest, not increasing ownership concentration and boosting profitability for a few companies' share-holders.

I hope the Senate will pass this joint resolution to send a strong, unequivocal message to the FCC that it got it wrong on June 2.

I ask Unanimous Consent that the letter I received from Neil Faber and the May 22 op-ed by William Safire that appeared in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEXGEN MEDIA WORLDWIDE INCORPORATED,
August 8, 2003.

Senator FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC

DEAR SENATOR LAUTENBERG: I am the founder, President, and Chief Executive Officer of NexGen Media Worldwide Inc., a media company that specializes in the planning and execution of media buys across virtually every medium, including national and spot broadcasting, print, and outdoor. We have been in business almost twenty-five years.

As both a media and advertising professional, as an Adjunct Professor of Marketing at NYU for fifteen years, and as a concerned citizen of the U.S. and the State of New Jersey, I am responding to the recent article in The New York Times by Michael K. Powell, Chairman of the Federal Communications Commission on the subject of the FCC's decision that would allow one company to own broadcast stations reaching up to 45% of the national market, an increase from the current cap of 35%.

For decades, I have been deeply concerned with this direction of increasing concentration of ownership. This concentration limits consumer choice and results in higher advertising rates that, in all probability, have been passed on to the consumer in the form of higher prices for products or services and tends to constrain diversity of viewpoints.

It is certainly true that the U.S. has a diverse media marketplace. It is in the spirit of maintaining this diversity that we should avoid concentration of media in the hands of the few. In the past, each local radio station in most markets, as an example, was primarily run by separate entities. While the number of stations is greater, the ownership is by fewer companies. So, this results in fewer independent sources of information (i.e., news, weather, traffic), entertainment, and fewer diverse editorial viewpoints. When one looks at television, the Television Bureau of Advertising shows that from 1980 to the present, the number of television stations available per home grew 8 fold. Yet, the average number of television stations that viewers watch weekly increased by only 2½ times. So, while station options have grown dramatically over this period, relatively speaking, why did the number of stations viewed increase at a dramatically disproportionately lower rate? These facts strongly suggest that there should be more independent outlets, more diversity, with greater freedom of programming choices.

It is logical that even if each station in a corporate structure were totally independently run, at some place in this corporate hierarchy the general manager of each station still reports to one or more top level corporate executives whose major responsibilities include providing ''guidance'' to maximize the corporation's profits. This reality further supports the contention that concentration of ownership also tends to inflate advertising prices and limit editorial viewpoints.

Mr. Powell writes that the major networks own a small percentage of all television stations. The fact is, however, that the stations owned by the networks include those in the major markets that represent the lion's share of the audience in both the local markets and nationally. Here, too, concentration

of ownership presents a potential risk to independent and diverse editorials and creates the framework for higher advertising rates. This is analogous to what occurred in this year's Network Television ''upfront'' marketplace in which advertising prices skyrocketed in the area of approximately 15% to 20% despite an arguably weak economy. It is interesting to note that the advertising dollars deployed for the upfront were concentrated with just a few mega-media buying services accounting for more than 75% of the advertising spent with the networks.

As another example of how concentration of ownership can adversely affect the capacity to effectively negotiate, look at sports programming. It is true, as Mr. Powell states, that many top sports programs have moved to cable and satellite. But, the large media giants also own these outlets, i.e., more concentration. So when negotiating with these cable companies, e.g., advertisers are, in reality, negotiating with the same few media giants who control them.

We live in a free society. Limiting ownership and concentrating media power cuts against the grain of free society choice that is indigenous to our democracy. Competition allows for choice and the ability to have greater choice benefits both consumers and the advertising community. This country needs to move towards more independent stations in the future rather than continuing to concentrate media ownership in the hands of the few. It is not whether we should specifically increase the cap from 25% to 45%, it is the direction to more concentration that needs to be reversed.

Sincerely,

NEIL FABER,
President.

[From the New York Times, May 22, 2003]

THE GREAT MEDIA GULP

(By William Safire)

The future formation of American public opinion has fallen into the lap of an ambitious 36-year-old lawyer whose name you never heard. On June 2, after deliberations conducted behind closed doors, he will decide the fate of media large and small, print and broadcast. No other decision made in Washington will more directly affect how you will be informed, persuaded and entertained.

His name is Kevin Martin. He and his wife, Catherine, now Vice President Dick Cheney's public affairs adviser, are the most puissant young ''power couple'' in the capital. He is one of three Republican members of the five-person Federal Communications Commission, and because he recently broke ranks with his chairman, Michael Powell (Colin's son), on a telecom controversy, this engaging North Carolinian has become the swing vote on the power play that has media moguls salivating.

The F.C.C. proposal remains officially secret to avoid public comment but has forced into the open by the two commission Democrats. It would end the ban in most cities on cross-ownership of television stations and newspapers, allowing such companies as The New York Times, The Washington Post and The Chicago Tribune to gobble up ever more electronic outlets. It would permit Viacom, Disney and AOL Time Warner to control TV stations with nearly half the national audience. In the largest cities, it would allow owners of ''only'' two TV stations to buy a third.

We've already seen what happened when the F.C.C. allowed the monopolization of local radio: today three companies own half the stations in America, delivering a homogenized product that neglects local news coverage and dictates music sales.

And the F.C.C. has abdicated enforcement of the ''public interest'' requirement in issuing licenses. Time was, broadcasters had to regularly reapply and show public-interest programming to earn continuance; now they mail the F.C.C. a postcard every eight years that nobody reads.

Ah, but aren't viewers and readers now blessed with a whole new world of hot competition through cable and the Internet? That's the shucks-we're-no-monopolists line that Rupert Murdoch will take today in testimony before the pussycats of John McCain's Senate Commerce Committee.

The answer is no. Many artists, consumers, musicians and journalists know that such protestations of cable and internet competition by the huge dominators of content and communication are malarkey. The overwhelming amount of news and entertainment comes via broadcast and print. Putting those outlets in fewer and bigger hands profits the few at the cost of the many.

Does that sound un-conservative? Not to me. The concentration of power—political corporation, media, cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

Why do we have more channels but fewer real choices today? Because the ownership of our means of communication is shrinking. Moguls glory in amalgamation, but more individuals than they realize resent the loss of local control and community identity.

We opponents of megamergers and cross-ownership are afflicted with what sociologists call ''pluralistic ignorance.'' Libertarians pop off from what we assume to be the fringes of the left and right wings, but not yet realize that we outnumber the exponents of the new collective efficiency.

That's why I march uncomfortably alongside CodePink Women for Peach and the National Rifle Association, between liberal Olympia Snowe and conservative Ted Stevens under the banner of ''localism, competition and diversity of views.'' That's why, too, we resent the conflicted refusal of most networks, stations and their putative purchasers to report fully and in prime time on their owners's power grab scheduled for June 2.

Most broadcasters of news act only on behalf of the powerful broadcast lobby? Are they not obligated, in the long-forgotten, ''public interest,'' to call to the attention of viewers and readers the arrogance of a regulatory commission that will not hold extended public hearings on the most controversial decision in its history?

So much of our lives should not be in the hands of one swing-vote commissioner. Let's debate this out in the open, take polls, get the president on the record and turn up the heat.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this resolution. By using the Congressional Review Act, which I worked on and helped pass with my colleague and friend Senator REID from Nevada, we would totally throw out the entire FCC regulation. Some people disagree with parts of the regulation, but we would be throwing out the entire regulation.

The Senator from Arizona said let's do this the old-fashioned way. Let's have hearings and mark up a bill so there is a bill that is going through the authorizing committee and there is also some language going through the Appropriations Committee. Maybe those are better and more appropriate vehicles than the Congressional Review Act, which rejects the entire regulation.

What about the cross ownership rules? Cross-ownership rules say if one has a newspaper, they cannot own a TV station, or vice versa. Well, unless they were grandfathered years ago, they could, but if they are new in the business, they cannot own both. The ban on cross ownership was modified on sound reasoning and solid evidence. The antiquated ban should not be reinstated.

My colleague from Nevada, who is now presiding, said things have changed. We now have thousands of radio stations. We have lots of opportunities. We have new vehicles. We have the internet. We have cable. We have lots of opportunities for people to get their news from a variety of sources. If we throw out these rules, we are almost saying we want to live by and maintain those old rules, which really are archaic and do not work.

This is too Draconian of a measure, to throw out the regs in their entirety. I urge our colleagues to vote no on the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time is remaining on both sides?

The PRESIDING OFFICER. On the Republican side, 3 minutes 44 seconds. On the Democratic side, there are 10 minutes 13 seconds.

Mr. MCCAIN. Mr. President, I will take 1 more minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, I do not view this issue as one that is driven by ideological bias, but it is one which I think deserves a great deal more consideration.

Again, I urge my colleagues, as busy and as crowded as our calendar is, to bring up S. 1046 which has been reported out and is on the calendar. That would give us time to fully debate and amend these very complex and difficult issues. Therefore, I oppose the passage of CRA.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself the remaining time.

I have great respect for those who disagree with the position that I, Senator LOTT, and many others have taken on this issue, but the resolution of disapproval, which is part of the Congressional Review Act, is, in effect, a legislative veto. It is perfectly appropriate to use it in this circumstance.

I will talk a little bit about why this bipartisan resolution is important. First, it is acknowledged by everyone that we have had galloping concentration in the broadcast industry in recent years. One company now owns

well over 1,200 radio stations. The same is happening in television. I do not happen to think big is always bad but I think the FCC's new rules will just hasten the day when we have fewer and fewer companies owning virtually all of the broadcast properties in this country.

So if one thinks that what the American people see, read, and hear should be controlled by fewer and fewer people, then they would like the FCC rules and they would want to oppose this resolution of disapproval. But if they believe in localism, diversity, and competition, which are the hallmarks of the reason we provide free licenses and the free use of the airwaves to companies by which they profit, in which we say to them they have responsibilities attached to this license, localism, diversity, competition, if you believe those enhance this country, enhance local areas or communities or counties or States, then you are going to want to support this resolution of disapproval.

A lot of our folks think the FCC has written rules that fundamentally weaken our democracy. Our democracy is nourished by the free flow of information, by localism, by competition. The fact is, three-quarters of a million people sent their comments to the FCC saying: Don't do this. It ranges from the National Rifle Association, National Organization for Women, Walter Cronkite, Jesse Helms. This is a broad-based group of American people who believe very strongly that what the FCC has done is wrong.

The most dramatic rule changes in the history of broadcasting have been embarked upon by the FCC with one hearing in Richmond, VA. They concocted this rule that said: Oh, by the way, here is what we think should happen. We believe it is all right, in the largest city in this country, for one company to own the dominant newspaper, three television stations, eight radio stations, and the cable company. And the same company can do that in the largest city, the next largest city, the next largest city, the next largest city.

It is not all right. We know better than that. Let me describe a little of what is happening with this concentration. Perhaps you are driving down the street in Salt Lake City listening to your car radio, tuning the dial until you find a radio station you happen to enjoy, one with good music, someone with a sonorous voice saying: Good morning in Salt Lake City. It's sunny here. What a beautiful day outside. The sky is blue.

And you think what a great announcer they have in Salt Lake City when, in fact, that person may be broadcasting from a basement broadcast booth in Baltimore, MD. It is called voice track. It is called let's pretend. Let's pretend someone is broadcasting locally, but instead that person is using the Internet information to say it is sunny here in Salt Lake City, trying to make folks in Salt Lake City believe they are broadcasting in Salt Lake City. ''Voice tracking''—remember that term.

Central casting—it is the same approach in television. You like that? You just take localism, take local interest out of broadcasting and pretend it is local. If localism is unimportant, why do they even have to pretend?

What about turning on your television set seeing people eating maggots? Yes, you can see that on television. Maybe you don't like seeing people eating maggots. Maybe you think seeing people eat a cupful of maggots shoved in front of them—maybe you think that ought not be shown in our community.

So you call the broadcaster, and you say I am going to complain about this programming. How did you do this? Why would you show a program in which people eat maggots?

And the broadcaster writes back—this happens to be a July 25 letter. I won't use names:

> We received your letter dated June 30, 2003, regarding the content of the . . . show. . . .
>
> We forwarded your letter to the . . . Network. The Network, not [us], decides what shows go on the air here for the . . . Owned and Operated Television Stations.

The network likes maggots. It comes to your hometown and you don't have a choice, nor would a local broadcaster, and certainly not affiliates, stations owned by the broadcaster. They are going to broadcast it.

What has happened to localism? Dead? Wounded? Bleeding? If the FCC has its way with this rule, it will be gone, just plain gone.

Is there a reason for us to be concerned? I think so. There is a broad, bipartisan group of interests in the Senate using the legislative veto to say let's say to the FCC: What you have done is wrong.

Let me read a letter from our distinguished former colleague, Jesse Helms, because, as always, he puts it very succinctly.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 13 seconds.

Mr. DORGAN. Jesse Helms wrote a letter to my colleague, Trent Lott.

> Dear Trent:
>
> Thank you for your leadership in trying to undo the disaster created by the Federal Communications Commission's new media ownership rules. These rules will benefit huge conglomerates and no one else.

Let me point out, Senator Helms is one of the few people who served in this Senate who came from a broadcast background.

> Sometimes I think people in Washington, particularly at the Commission, have forgotten that the FCC role is to preserve localism, diversity, and competition. In no way are those criteria supported by the recent FCC ruling. If the commission fails, as it has, then Congress must step in. You and Senator DORGAN have done that. I can think of no reason to allow fewer companies to own more and more of the media. Media ownership is a bipartisan issue that commands a close review by Democrats and Republicans.
>
> When your resolution comes to the Senate floor, I'll be cheering for 51 votes.

It is signed by Jesse Helms, former U.S. Senator.

In this morning's newspaper, the FCC chairman, Mr. Powell, makes comments about what we are doing here today. I happen to like Chairman Powell. Personally, I think he is a good person. We have had a good relationship. I think he has made a horrible mistake. His leadership on this issue at the Federal Communications Commission, as I have said previously, has led the Commission to cave in as quickly and as completely to the special interests as anything I have ever seen.

Mr. Powell says ''the move in the Senate today'' referring to this move ''is bordering on the absurd.''

I am sorry. There is nothing at all absurd about the Senate taking direct aim at a rule by a Federal regulatory agency that is wrongheaded, and saying we are going to veto this rule. There is nothing absurd about that at all.

This Congress has the right under this legislation to do it. This has been rarely used. It is the second occasion in which the Senate has used this. We would only do it when a regulatory agency, issuing regulations, has so starkly decided to misrepresent what is the public interest.

The FCC is a regulatory body. One would expect them to wear striped shirts and have a whistle and blow the whistle when it is needed on behalf of the public interest, to stand up for the public interest. But when regulatory agencies refuse to stand for the public interest, then we must take action.

My colleague, Senator MCCAIN, talks about S. 1046. I am a cosponsor of that legislation. I support it very strongly. I hope the Senate will pass that as well. I will only observe that this resolution of disapproval will run into some whitewater rapids when it comes to the House. I understand that. So, too, would S. 1046 if it gets to the House of Representatives.

The fact is, we ought to in every conceivable way avoid the problems that will come from these rules. My colleagues and others have talked about the problem of growing concentration in the media. It is getting worse, not better. The worst possible result, in my judgment, would be to say let's just let the FCC rules go into effect.

A Federal circuit court has already issued a stay. They understand that the American people were not given the opportunity in the hearing, the one hearing that existed in Richmond, VA. The case has not been made for this FCC rule. So we have a stay at the Federal court.

A reasonable step and a thoughtful step on behalf of this Senate is to stand up this morning for the public interest and say to the FCC: You had a responsibility and you failed. We have every right under the Congressional Review

Act to enact, this morning, a resolution of disapproval. I hope sufficient numbers of my colleagues will join me, will join Senator LOTT, and others, in a strong bipartisan resolution to say we don't like what the FCC has done. We think it is not at all in support of the public interest. We believe it undermines this democracy which rests on the free flow of information. We believe we ought to disapprove of this rule.

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, at the request of the leadership, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote ''yea.''

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—55

Akaka	Conrad	Inouye
Alexander	Corzine	Jeffords
Allard	Daschle	Johnson
Baucus	Dayton	Kennedy
Bayh	Dodd	Kohl
Biden	Dole	Landrieu
Bingaman	Dorgan	Lautenberg
Boxer	Durbin	Levin
Byrd	Enzi	Lieberman
Cantwell	Feingold	Lincoln
Carper	Feinstein	Lott
Chafee	Harkin	Mikulski
Clinton	Hollings	Murray
Collins	Hutchison	Nelson (FL)
Nelson (NE)	Rockefeller	Stabenow
Pryor	Sarbanes	Voinovich
Reed	Schumer	Wyden
Reid	Shelby	
Roberts	Snowe	

NAYS—40

Allen	DeWine	McConnell
Bennett	Domenici	Miller
Bond	Ensign	Murkowski
Breaux	Fitzgerald	Nickles
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Specter
Campbell	Gregg	Stevens
Chambliss	Hagel	Sununu
Cochran	Hatch	Talent
Coleman	Inhofe	Thomas
Cornyn	Kyl	Warner
Craig	Lugar	
Crapo	McCain	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Leahy	

The joint resolution (S.J. Res. 17) was passed, as follows:

S. J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to broadcast media ownership (Report and Order FCC 03–127, received by Congress on July 10, 2003), and such rule shall have no force or effect.

Mr. DORGAN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE—H.R. 2754

Mr. DOMENICI. Mr. President, we are currently on the energy and water bill. There is pending a Feinstein amendment. We have talked about it.

I ask unanimous consent, and this is acceptable to the other side and the proponents, that a vote occur on or in relation to the Feinstein amendment at 2:30 p.m. this afternoon.

Mr. REID. Reserving the right to object, I ask there be no amendments in order prior to that vote and that the time between 2:15 and 2:30 be equally divided.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to the Senate, we are on an energy and water bill. There is no long list of amendments we are aware of. We are aware of two, maybe three amendments. We ask that Members help us finish this evening. It seems now it is the will of both the majority and the minority we finish tonight.

The next subject matter will be an appropriations bill, from what I understand. The majority leader has so committed the next bill will be an appropriations bill. There should be no reason why we cannot finish this bill tonight. There may be two amendments. There may be three. On the other hand, there could be just one. We would like Senators to help by getting those amendments as soon as possible so right after the 2:30 vote we can move right ahead with the next amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, through you to my distinguished Chair of the subcommittee, Senator JACK REED of Rhode Island is ready to offer his amendment immediately following the vote on the Feinstein amendment. We understand there may be an amendment offered by Senator CANTWELL. There may be some procedural problems with that. We are still working on that. I am confident she will be ready to offer that as soon as we finish the Reed amendment. There may be another amendment Senator DOMENICI and I have been working on, working with the chairman of the full committee to see if that can be resolved in some other way.

I have not spoken to either of the leaders about this, but I have had many questions about the storm that is coming. People are very concerned about that for very personal reasons. The storm, we believe they have indicated, now will strike about noon on Thursday. If it keeps going the way it is, it will be a very devastating storm. We know some people have obligations this weekend. As I said, I have not spoken to the two leaders, but as the storm develops I am sure they will talk to us.

I agree with the chairman of the subcommittee, Senator DOMENICI. We will move forward and have all the amendments offered tonight and finish this bill tonight. If there is some reason we cannot do the votes tonight, we will have the votes set for tomorrow morning. We will move to expeditiously finish this bill as soon as possible.

The PRESIDING OFFICER. The Senator from Wyoming.

GRAMPA ENZI

Mr. ENZI. Mr. President, this last weekend I got a new name. Fifty-nine years ago when I was born I was named Michael Bradley Enzi. The middle name comes from my Grampa and Gramma Bradley on my mother's side. They were homesteaders in Montana. My grandfather on my dad's side homesteaded in North Dakota and named his son Elmer, but he died shortly after I was born and before I could know him. My dad's favorite song was ''Elmer's Tune'' but he thought there were enough Elmers already and named me Michael. I grew up being Mickey and then Mike. As I mentioned, this last weekend I got a new name and I am truly delighted.

I am now Grampa—and that is spelled with an M, not an N, and there is no D in it. I will explain that in just a moment.

My son and his wife had a son. My son, also like me, had the good fortune to overmarry, to Danielle, a delightful young lady from Kentucky whom he

met in Washington, DC. She is one of the most organized, focused, and thoughtful people I know. My son Brad and daughter-in-law Danielle had a son. I cannot begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands.

When my son was born, we named him Michael Bradley Enzi, as well, and instead of giving him the title junior we just used his middle name Brad to avoid confusion. Now we have a third Michael Bradley Enzi, but we do not believe in titles so we call him Trey to avoid confusion. Now Danielle and Trey had extremely fortunate timing for Diana and me. Trey was supposed to be born the end of this month, but he and his mother moved that up to when Diana and I were in the neighborhood. Diana and I met Brad and Danielle on Friday so I could get the transportation system. We used to call that strollers and car seats; now it is transportation systems. My dad started a tradition of buying the wheels for my kids. That means the wagons, the skateboards, the rollerblades, the bikes, et cetera. When I heard I was going to be a grampa, I staked the ''wheels'' out, too.

So we picked out the transportation system. Danielle thought she started having contractions. We knew she had walked a lot. So Brad checked her into the hospital at midnight. At 8 a.m. the water broke, and at 4:21 p.m., Saturday, September 13, we all got new names. Trey weighed 6 pounds 14 ounces and was 20½ inches long, with huge hands and long feet, of course—his 6 foot 8 inch dad, who played basketball for Wyoming, has size 16 feet and easily palms a basketball.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for that special aura of being a mother, that she had just given birth. The rest of us were emotional wrecks. The best way I can tell you of the thrill is to tell you that we canceled the events of the weekend and extended an extra day, and I spent as much of that time as I could just holding that baby, watching him breathe and move ever so slightly, and listened to every little sound he made. Of course, I had to let Diana hold him a little, too. And his mom and dad even wanted turns.

If you would have told me I would spend hours just gazing at this miracle of life, and having only that thought for hours, I probably wouldn't have believed you. But I have some instant replay memories of that little face and those moving hands and those blankets and that cap, to hold the body heat in, locked in my mind.

I am constantly doing little instant replay memories for myself and thanking God for the opportunities he has given me—from finding Diana and learning about prayer with our first child, the daughter who was born premature, who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, who just got married, to helping me through open heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the Prayer of Jabez in Chronicles, where he says: ''Lord, please continue to bless me, indeed.'' And to that I add my thanks for this and all the blessings noticed and unnoticed.

So I am a grampa. That is not grandfather—too stilted. Years ago my daughter gave me a hand-stitched wall hanging that says: ''Any man can be a Father, but it takes someone special to be a Dad.''

The name is also not grandpa. That is a little too elevated. My grampa—spelled with an M and no D—my Grampa Bradley took me on some wonderful adventures. He taught me a lot—fishing, hunting, and work. He ''let'' me help him plant and water trees when I was 4. He showed me how to chop sagebrush and make flagstone walks. He covered up holes he encouraged me to dig. He covered them so people wouldn't drive a car into them. He taught me how to spade a garden, mow a lawn, and trim it properly.

He later showed me the point in life when you are supposed to start carrying the heavy end of the log. Later in life, he had heart trouble and couldn't go fishing by himself, so he took me along. After a few minutes, he would place himself at the picnic area and visit with the tourists who stopped. He would tell them about his grandson who would be arriving shortly with fish and have quite a group waiting for my return.

He liked to be called Grampa. And I am now delighted to have the opportunity to earn that name. I wish I could adequately share with you the joy in my heart.

Trey, grandson, welcome to this world of promise and hope and love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I congratulate the Senator from Wyoming, who just entered another phase of his life. He is a grampa, but he can also get very silly. I am a grandpa, and I know the silliness that comes along with it. It is a wonderful kind of silliness, and it is a dimension in life of which I hope all men have the opportunity to be a part.

So my neighbor in the West and my neighbor here on Capitol Hill, to you and your bride, who is now a grandma, congratulations.

Mr. SESSIONS. Mr. President, will the Senator yield 1 minute, please?

Mr. CRAIG. I yield.

Mr. SESSIONS. Mr. President, I add my congratulations to Grampa ENZI and Diana. There is no Member of this body who exemplifies family values more than those two. There is no Senator who has greater affection in this body. Trey has a great family to join.

My wife Mary and I are so excited for you. She called me early this morning to report the news. We express our congratulations to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Idaho.

THE HEALTH OF OUR FORESTS

Mr. CRAIG. Mr. President, I thought I would spend a few moments this morning talking about an impending crisis that is offshore of the east coast at this moment that may well be headed our way.

Hurricane Isabel could well make its way into this region and do great devastation. That devastation could well be to the forests and the timberlands of North Carolina and Virginia. And it could well be in some areas of Maryland, where it could come ashore.

The reason I stand before the Senate this morning to talk about it is that we in the West are experiencing another kind of catastrophic event in our forests. They are called wildfires. Yet somehow we in the Senate, in the shaping of public policy, do not look at hurricane crises in our forests and our public lands the way we look at wildfires. In August of 1910, a wildfire started in Idaho and Montana, and 3 days later 3 million acres of land were gone.

Our forest health problems are not isolated to the problems of the rural West. In 1989, Hurricane Hugo slammed ashore near Charleston, SC, and cut a path northwest through North Carolina and into Virginia. On the Francis Marion National Forest, 70 percent of the trees were killed. We, the Government, immediately expedited the process of cleanup, salvage, and replanting, funneling millions of dollars into that effort. This is a similar expected path of Hurricane Isabel, and the Governor of Virginia has already declared a state of emergency.

In January of 1998, over 17 million acres of forests were heavily damaged in an ice storm that stretched across New York State, New Hampshire, Vermont, and into Maine. We responded appropriately with $48 million to help in the cleanup.

In the spring of 1999, when a blowdown, followed by a southern bark beetle epidemic, hit the Texas National Forests, we provided emergency exemptions that allowed managers to enter into wilderness areas—believe it or not—to sanitize the stands to slow down the insect infestation.

Just last year, in the supplemental Defense appropriations bill, we helped Senator DASCHLE and Senator JOHNSON deal with forest health emergencies in their State of South Dakota by suggesting that, by law, NEPA appeals not be able to be litigated.

Each time, a commonsense approach was supported by this body when a crisis hit our public forests. Each time,

we reached out to our neighbors and said: We will help clean up the forests to ensure the health of the forests and to ensure the vitality of those forests for wildlife and for human life.

As the Healthy Forest legislation comes up for debate, the Senator from New Mexico—who is in the Chamber now to handle the energy and water appropriations bill—and I, the other Senator from Idaho, MIKE CRAPO, and the Senator from Mississippi have been working with our colleagues from California and Oregon to assure that we can begin a process on the public lands of the West to attempt to clean them up, to reassure healthy forests. Yet somehow—by some groups, and by some Senators—it is looked at as an entirely different process from what Hurricane Isabel could well do to the forests of the Carolinas and to the forests of Virginia.

Out West and across other forests of our country, this year we have lost nearly 4 million acres to wildfire and yet we struggle to get the money, we struggle to get the right to allow the process to clean up, to rehabilitate and reestablish the environment of these forests. It is time we wake up. What is happening to the forests of the West today is natural. It is a result of bug kill, it is a result of drought, and it is a result of us taking fire out of the ecosystems a good number of years ago. Somehow now we are not being allowed to treat it the very way we have allowed hurricane damage and other natural damages to be treated.

So I plead with the Congress, I plead with this Senate, to realize this, to work with us to build a healthy forest bill. I thought it was appropriate to come to the Senate floor to say this at a time when Isabel is about ready to hit land and begin to damage the forests of the East Coast.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senate will resume consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Feinstein amendment No. 1655, to prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased today that we have set a time and we are going to vote on the so-called Feinstein amendment. I am also pleased we will hear from a very distinguished Senator whose thoughts and reputation in the Senate, from this Senator's standpoint, are becoming more valid, more looked upon, and listened to.

The issue before us is a straightforward issue that is trying to be made complex. It is not the issue of building new nuclear weapons. Senator CHAMBLISS and I can start off by saying there is nothing in this bill that permits us to build a single, solitary, new nuclear weapon. That requires an act of Congress that is not before us.

Secondly, the Senator knows it provides for the testing ground in Nevada, which we had said since we put it in mothballs, it should be ready for testing at any time. Any time today means 3 years. Under this legislation, at the request of the administration, it will be modernized so it will only take 1½ years to get ready for a test, if a test is necessary.

So far, those things I have said, it would seem to me, should pass this Senate 100 to 0. There are two other issues I am sure my friend from Georgia will explain, but none of them do anything to build a new line of nuclear weapons for this great Nation. That is not the issue, and I hope the Senator from Georgia will join me in convincing a few more Senators this is an issue to be defeated. Small funding, big ideas; little, tiny funding with great repercussions if we fail to do what we ought to do.

I yield the floor and welcome the Senator's comments.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from New Mexico for his kind comments, but most importantly I thank him for his strong leadership on the issue of energy and any number of other issues. In my years in the House I had the privilege of working with the Senator when he was chairman of the Budget Committee. What great leadership he provided, and he is carrying that forward as chairman of the Appropriations Subcommittee on Energy now. It is indeed a privilege and a pleasure to work very closely with him to make sure a strong energy policy is developed in the United States of America, something that is sorely lacking. Under the Senator's leadership we are going to make sure that happens.

Before I make my comments relative to this amendment, though, I cannot help but take a minute to say to the Presiding Officer that as a grandfather twice over, I am very happy for the Chair and Diana. I will say if he thinks he is having fun today, every day gets more and more fun.

Being the obnoxious grandparent I am, I would like to compare pictures with the Presiding Officer as he moves down the road. My pictures of little John and little Parker are something special that I hold very near and dear. I see the Chair already has his. So we will compare them early on.

I rise today to speak in opposition to the amendment offered by my distinguished colleague, Senator FEINSTEIN. I do not support this amendment for several reasons and I would like to take a few minutes to outline my concerns. The amendment offered contains four provisions, all of which will negatively affect our Nation's security and our ability to maintain a modern and safe nuclear weapons capability.

This amendment prohibits our Nation's scientists from researching one of the foremost military challenges our Nation faces, which is an enemy using a hardened, deeply buried facility to protect weapons of mass destruction or carry out command and control operations. Our Nation has just begun exploring whether modified existing warheads might be effective in countering such targets. The underlying bill provides funds to conduct the second year of a 3-year feasibility study to see if existing weapons can be modified to address this critical threat. The bill allows the United States to simply explore—and I emphasize the word—the full range of weapons concepts that could offer a credible deterrent and response to new and emerging threats. It is imperative that our Nation continue to perform this research. It absolutely has to be done.

The funding for advanced concepts that this amendment strikes will also prohibit our scientists from exploring and incorporating changes to our existing nuclear-related programs, including upgrades to safety and security measures that make our nuclear arsenal more reliable and safer. Advanced concepts are the ''idea machines'' for scientists and engineers at our national laboratories that allow them to take advantage of advancement in technology. Essentially, this amendment would restrict our scientists from doing their job, which is to improve the reliability and sustainability of our programs.

The amendment also restricts funding for the improvement of our country's timeline to prepare for an underground nuclear test. Our goal is to reduce the timeline from the current threshold of 36 months to 18 months. The President could decide that a test is necessary to confirm a problem or test a fix to a problem involving the safety, security or reliability of a nuclear weapon in the stockpile. This administration has determined that, should such a test become necessary, the United States should not have to wait 3 years to address the problem in the stockpile. As our nuclear systems age, the necessity to conduct a test becomes more likely, should the President determine that it is in the national interest to do so. This amendment would make our Nation and our nuclear arsenal less, not more, secure.

The last provision in this amendment would have the most drastic effect, I believe, to our Nation's security. For the first time in more than a decade, the United States will now be able to

design and implement a program to manufacture a plutonium pit, an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. In fact, the Department of Energy, in 2002, indicated that the U.S. is the only nuclear power that lacks the ability to manufacture ''pits.'' All pits currently in the U.S. nuclear stockpile were made at the Rocky Flats Plant near Denver, CO, which opened in 1952. The Department of Energy halted pit manufacturing operations there in 1989. The administration has proposed a multi-year planning and design process that would result in a final decision on constructing a modern pit facility in 2011. If construction is approved, the proposed facility would begin full operation in 2020. The modern pit facility allows us to incorporate this capability into our nuclear weapons program and modernize our systems accordingly.

Should this amendment pass, the United States' capabilities for ensuring a safe, reliable nuclear arsenal will continue to regress for several years. This amendment will prohibit the U.S. from taking advantage of the latest technology.

Let me reiterate, the U.S. is not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, the U.S. is not planning to develop any new nuclear weapons at all. Our goal is to maintain a safe, secure, reliable, and effective nuclear weapons program, and for this reason I oppose the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to oppose the amendment. I thought I would comment in three areas.

First of all, I have had an opportunity to visit our laboratories in the United States. I will talk a little bit about that. Then I would like to review where we are in the overall aspect as far as our nuclear weapons are concerned. Finally, I will talk a little bit about what is in the authorization bill we passed in the Senate earlier on in the year, and talk a little bit about the fact that we have considered most of these amendments already. I don't understand why we are bringing them up for reconsideration, because the Senate has spoken.

I had an opportunity earlier this year to go around and visit the laboratories. I began to understand how important it is—that we need to study our nuclear weapons and we need to understand where we are in regard to the strategic nuclear stockpile.

Not long ago, several years back, the hope for the strategic nuclear stockpile was that it would work, but there was skepticism in the scientific community. But going around the laboratories earlier this year, those scientists, very capable scientists, very dedicated employees we have in our laboratories—and they want to see world peace and they don't necessarily want to see the proliferation of nuclear weapons—understand the need for us to know what is happening as far as our own strategic stockpile is concerned; that we need to continue to evaluate the threats from our enemies or potential enemies and where we stand in relation to that threat.

I was convinced that we need to do studies; we need to do some design thought; we need to bring it up for discussion. Nobody is out here saying we need to go into a nuclear arms race. I think that is overstated. But I think there is a lot of science that needs to be known, still, as far as nuclear weapons. We are going through a period of time where our stockpile is aging. Because it is aging, there are some phenomena that we perhaps do not understand. We want to make sure we understand. We want to make sure we have a safe environment and, from a safety aspect, that we understand what happens with aging.

The administration's budget request for fiscal year 2004 included several initiatives to advance their agenda as spelled out in the 2001 Nuclear Posture Review. The Nuclear Posture Review laid out a plan to reduce the nuclear threshold by making advances in conventional munitions and missile defense capabilities, and in revitalizing our nuclear weapons infrastructure, while at the same time reducing the number of nuclear weapons—reducing the number of nuclear weapons in our stockpile from around 6,000 to between around 1,700 and 2,200 operationally deployed nuclear warheads.

One focus of the Nuclear Posture Review is to make advances in our nuclear weapons capabilities to deter future threats instead of maintaining a nuclear weapons stockpile which was designed to deter past threats.

This bill includes funding to support the administration's initiatives. Specifically, the Senate bill provides $6 million for advanced concepts, $15 million to continue a 3-year feasibility study on the robust nuclear earth penetrator, which is commonly referred to as RNEP, and $25 million to enhance our test readiness capabilities at the Nevada Test Site. That was mentioned in previous comments on the Senate floor, how important it is in order to meet our 18-month response requirement that this needs to be met. There needs to be money to meet that requirement. And there is $23 million to continue conceptual design efforts for a modern pit facility. Each of these individual facilities will enhance our Nation's readiness and capabilities in support of the Nuclear Posture Review.

I think the Members of the Senate need to know the Nuclear Posture Review was analyzed by those people in the know, those people who understand what is happening in other countries, people who understand the science and understand where we are in this country.

The advanced concepts initiative will support preconceptual and concept definition studies and feasibility and cost studies approved by the Nuclear Weapons Council. With advanced concepts, we are beginning to challenge our scientists, designers, and engineers to consider what is within the art of the possible. They will be challenged to think, discover, create, and innovate. By supporting the administration's request for the advanced concepts initiative, we will ensure there is an active advanced development program to assess the capabilities of our adversaries, conceptualizing innovative methods for countering those threats, developing weapon system requirements in response to our adversaries, and prototyping and evaluating the concepts.

The advanced concepts initiative will also help our experts to design enhanced safety and security aspects for our nuclear weapons, particularly the aging nuclear weapons that we possess.

The Feinstein amendment would strike this funding for advanced concepts.

The RNEP study is not a new issue for the Congress to consider. Last year, Congress authorized and appropriated $15 million for the first of the 3-year feasibility studies on the robust nuclear earth penetrator. This bill provides funding for the continuation of the feasibility study. It does not authorize the production or deployment of such a capability. The RNEP feasibility study will determine if one of two existing nuclear weapons can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets.

The Department of Energy has modified nuclear weapons in the past to modernize their safety, security, and reliability aspects. We also modify existing nuclear weapons to meet new military requirements. The B61–11, one of the weapons being considered for the RNEP feasibility study, was already modified once before to serve as an earth penetrator to hold specific targets at risk. At that time, the modification was to assure the B61 could penetrate frozen soils. The RNEP feasibility study is an attempt to determine whether the same B61 or another weapon, the B83, could be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attacking such targets is a responsible step for our country to take.

Admiral James Ellis, Commander of U.S. Strategic Command, confirmed in testimony before the Strategic Forces Subcommittee on April 8, 2003, that not all hardened and deeply buried targets can be destroyed by conventional weapons. Many nations are increasingly developing hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. It is prudent to support the study

of potential capabilities to address this growing category of threat.

What the Senate bill provides funding for is simply the second year of the 3-year feasibility study, nothing more. Should the National Nuclear Security Administration determine through this study that the robust nuclear earth penetrator can meet the requirements to hold a hardened and deeply buried target at risk, NNSA still could not proceed to full-scale weapon production development or deployment without an authorization and appropriation from Congress.

We should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets and to assess what would be the collateral damage associated with such capability. Then Congress would have the information it needs to decide whether development of such weapons is appropriate and necessary to maintain our Nation's security.

The Feinstein amendment would strike funding to continue the ANEP feasibility study.

The enhanced test readiness initiative has also been closely considered by the Congress and the administration. The House and the Senate Armed Services Committees required the Department of Energy, in consultation with the Department of Defense, to do a study to determine the optimum readiness posture for the Nevada Test Site. After a thorough review, the optimal test readiness posture chosen by the Department of Energy was 18 months.

Against the thoughtful consideration of both the Congress and the administration, the Feinstein amendment would strike the funding to allow our Nation's readiness to be enhanced at the Nevada Test Site.

Another important initiative is the continuing efforts to design and construct a modern pit facility to ensure the United States can, once again, manufacture plutonium pits for our existing nuclear weapons stockpile and for future weapons design, if necessary. The United States is the only nuclear power which does not have the current ability to mass produce plutonium pits.

Let me restate that. The United States is the only nuclear power that does not have the current ability to mass produce plutonium pits.

Although we have limited capabilities to produce a few pits at the Los Alamos National Laboratory since the shutdown of Rocky Flats in my home State of Colorado, the United States has not produced plutonium pits. That is a problem for our aging nuclear weapons stockpile since the pits and those weapons are aging beyond their design life, and as a radioactive material, plutonium continues to deteriorate until the pits can no longer be usable. The Feinstein amendment would strike funding for the modern pit facility.

All of the administration's nuclear weapons initiatives are designed to make sure the United States has the best and the brightest scientists and engineers prepared to innovate, create, test, and even manufacture, if necessary, to make sure any adversary is deterred from conducting harmful actions against the United States or its allies.

There are protections in the National Defense Authorization Act which provide that, at a minimum, no engineering design work can occur on the robust nuclear penetrator without specific authorization from Congress. We maintain our ability to control any mass production of those nuclear weapons.

We already had that debate. We should allow these initiatives to continue. Therefore, I am urging my colleagues to join me in voting against the Feinstein amendment.

There are a couple more issues I would like to cover. First, I ask unanimous consent that an op-ed by the Secretary of Energy, Spencer Abraham, from the Washington Post on Monday, July 21, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 2003]

FACING A NEW NUCLEAR REALITY

(By Spencer Abraham)

The United States took another step toward eliminating the last vestiges of Cold War nuclear weapons production in May when the Department of Energy awarded contracts for construction of fossil fuel power plants to replace three Russian nuclear reactors. These reactors produce not only heat and electricity but also weapons-grade plutonium, enough to build 1½ nuclear weapons a day. When the new U.S.-financed power plants are constructed and the nuclear reactors shut down, weapons-grade plutonium will no longer be produced in Russia.

President Bush is deeply committed to reducing the number of our nation's strategic nuclear warheads by two-thirds, and to preventing nuclear and radiological materials from falling into the hand of terrorists. This $466 million project is the latest advancement in an aggressive nonproliferation effort that has expanded from $800 million to $1.3 billion per year since the president took office. That's why I was perplexed, during congressional debate on the defense budget by the hysterics over the $21 million that would allow our scientists to contemplate advanced weapons concepts that could be used to protect against 21st-century threats. (In all, some $6.4 billion in the budget is for Department of Energy nuclear weapons programs.)

This funding should not have surprised anyone. It is the logical result of early Bush administration initiatives, endorsed by Congress, to conduct a thorough review of the nation's nuclear weapons policy. That review determined that the 21st-century national security environment differs greatly from that of the past half-century.

Deterrence during the Cold War led to a predictable—if chilling—balance of terror that has now largely vanished. Henceforth threats will likely evolve more quickly and less predictably. It is a situation that demands the restoration of our capacity to meet new challenges.

Recently the United States has begun making great strides to rebuild those capabilities. Now, for the first time in more than a decade, we are able to manufacture a plutonium pit—also known as a trigger—an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. We have also launched a much-needed facility modernization program. But maintaining our capability to address 21st-century challenges requires more.

Should our scientists decide we cannot certify the reliability of our nuclear stockpile, we must be capable of conducting a nuclear test in a much shorter time frame than the current three years. The capacity to test within 18 months is a critical capability every president must have. We must also give our weapons scientists the resources and authority to explore advanced weapons concepts, including research related to low-yield weapons. Funding constraints and confusing legal prohibitions have stifled most new thinking on these issues. This has, in turn, made us less capable of devising the best responses to emerging threats.

The challenges posed by rogue nations or terrorists possessing weapons of mass destruction are strikingly different from that posed by the Soviet Union. Yet our best thinkers aren't being allowed to fully shift their focus from winning the Cold War to meeting new challenges.

Finally, we must move ahead to address one of the foremost military challenges identified in our recent review—an enemy using hardened, deeply buried facilities, to protect its weapons and other assets. We have just begun to explore whether modified existing warheads might be effective in attacking such targets. Similar analyses of the applicability of conventional weapons to addressing this threat are also being done.

We are not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, we are not planning to develop any new nuclear weapons at all. Our goal is designed to explore the full range of weapons concepts that could offer a credible deterrence and response to new and emerging threats as well as allow us to continue to assess the reliability of our stockpile without testing.

This is a sensible course that meets our national security requirements by restoring our capabilities and ensuring that we have the flexibility to respond quickly to any potential problems in the current stockpile, or to new threats that require immediate attention. Our policies are designed to strengthen the deterrent value of our nuclear weapons so that they don't ever have to be used.

Mr. ALLARD. Mr. President, I would like to briefly point out some of the things we had in the Defense authorization bill as it applied to a number of areas affecting nuclear weapons. The section that dealt with the developing low-yield nuclear weapon—section 3131 of the Defense authorization bill—repeals the ban on research and development of low-yield nuclear weapons. But that same section also includes a provision which states that nothing in this repeal should be ''construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.''

Also included in that same provision is a section that limits DOE from beginning phase 3. Phase 3 is the full-scale engineering development or any subsequent phase of a low-yield nuclear weapon ''unless specifically authorized by the Congress.''

Finally, also in that same section 3131, a report is to be submitted to determine if the repeal of the ban on research and development of low-yield

nuclear weapons will affect the ability of the United States to achieve its nonproliferation objectives.

On that section of the Defense Authorization Act, we had a number of amendments that we considered on the floor which we have already voted on. Again, one was the Feinstein amendment. Senator FEINSTEIN offered an amendment to strike the repeal of the ban on low-yield nuclear weapons research. The motion to table was agreed to by a vote of 51 to 43. That was the Senate's position supporting the language of the Senate authorization bill on Armed Services.

The Reed-Levin amendment was also brought up in that section. They offered an amendment which retains the ban on low-yield nuclear weapon research. This amendment would retain the ban on phase 3 and subsequent phases but allow research on phases 1, 2, and 2A. This amendment was very similar to a House-Senate Armed Services Committee provision.

Chairman WARNER offered an amendment in the form of a substitute which struck the Reed-Levin amendment and added a limitation which required a specific authorization from the Congress before the Secretary of Energy can proceed with phase 3—which again is engineering development—or any subsequent phases of low-yield nuclear weapons. The Warner substitute passed by a vote of 59 to 38. The Reed-Levin amendment, as amended by the Warner substitute, passed by a vote of 96 to 0.

In another section in the Senate Armed Services Committee authorization bill dealing with the robust nuclear earth-penetrator—commonly referred to as RNEP—there was an authorization for $15 million for RNEP, which was the amount of the request we had in the budget proposal. That was section 1050.

Section 3135 also requires DOE to receive a specific authorization from Congress before commencing with phase 3 or any subsequent phase of the RNEP.

Time and time again, the Senate has spoken—that there will not be any further procedure on nuclear weapons development and advanced engineering unless there is specific authorization from the Senate.

Under the RNEP, there were a couple of Senate floor amendments that we considered. For example, Senator DORGAN offered an amendment to prohibit the use of funds for the nuclear earth-penetrator weapon, and the motion to table was agreed to by a vote of 56 to 41.

There was a Nelson amendment on RNEP. That amendment limited the DOE from beginning phase 3—full-scale development—or any subsequent phase of the robust nuclear earth-penetrator without a specific authorization from Congress.

Chairman WARNER prepared a very similar amendment, and the Nelson amendment was agreed to by a voice vote.

We have debated this issue thoroughly. The Senate has spoken on these amendments and on these provisions. The appropriators have language supporting what we have already voted on and what has been passed by this body. I think it is time to move forward.

I think it is important that we move forward with the appropriations bill in light of our energy needs in this country. We shouldn't delay.

I rise in support of the bill, and I rise in opposition to the Feinstein amendment and ask my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Colorado for his comments and overall summary of this situation. It has been extremely helpful. I am very grateful that he found time to do it today.

I understand that Senator BAYH desires to speak as if in morning business shortly with reference to the death of the Governor of his State. He is on his way. When he arrives, I will yield to him. He said he wanted 7 minutes.

Mr. BINGAMAN. Mr. President, I rise today to explain my reasons for supporting the Feinstein amendment. This amendment first and foremost seeks to reduce the funding for the robust nuclear earth penetrator, or RNEP. While on the Armed Services Committee, I took the lead on numerous occasions in opposing this program. I believe that it sends the wrong signal to other nations when we are proposing to expand our nuclear arsenal at the very same time we are trying to control the spread of weapons of mass destruction worldwide.

Further, this country clearly has superiority in advanced conventional weapons, as evidenced by the recent conflict in Iraq. Very few, if any, nations can compete with the U.S. in conventional weapons. We should be relying on this advantage in conventional weapons rather than forcing other nations to compete with us on nuclear weapons as we did before the end of the cold war.

There is also a pragmatic reason why I believe the RNEP is not needed. In my opinion, our existing arsenal, particularly the B–83 tactical nuclear bomb, is more than adequate to serve as a deterrent against the hardest underground targets that confront us today. The administration envisions the RNEP as a weapon that will destroy deep underground targets. Yet proponents of this argument seem not to have considered the loss of function to an underground target that a B–83, whose yield is in excess of 1 megaton, will cause. I am sure that after such a devastating explosion, very little, if any, of the deepest underground targets will pose much of a threat to the U.S.

Further, the amendment seeks to strike funding for the advanced concepts initiative. The administration claims that such funds are needed to keep our weapons scientists on the cutting edge of warhead design but they have not explained to us what avenues of research they wish to pursue. In my opinion, we barely know enough about modeling how our existing warheads function under the stockpile stewardship program. Our modern strategic warheads, such as the W–76 and W–88, are very complicated; modeling them challenges even the most advanced calculations on our laboratory supercomputers. There is no need at this time to embark on the new avenue of research in the advanced concepts initiative when we don't understand the science underlying the stockpile stewardship of our deployed arsenal. The advanced concepts initiative will be a dangerous distraction from the stockpile stewardship program.

The third provision of this amendment is somewhat more complicated. Let me begin by stating that I strongly support the construction of a modern pit facility as an integral component of the stockpile stewardship program. An earlier version of this amendment struck the funding for conceptual design work on this facility, which, in my opinion, was a mistake. I expressed my concerns to Senator FEINSTEIN, and I am pleased that this version of the amendment retains these conceptual designs funds.

There is a fundamental reason why I think the modern pit facility is important. Our pits are approaching ages in some cases of up to 35 years old. Our best scientists do not fully understand the way aging affects on these plutonium pits. At Los Alamos National Laboratory, we are just now at the stage where we can produce our first prototype test pit, 15 years after the Rocky Flats plant stopped production of these pits. But the Los Alamos facility cannot expand to handle the production that our stockpile may require 15 years from now.

With regard to siting the facility, I do not believe that we will have all the information we will need to do so by 2004. I have not seen any statements by the administration on what size the stockpile will be in 2012, when the Strategic Offensive Reduction Treaty reduces the stockpile down to 1200 to 1700 strategic weapons. I note that this treaty does not account for the deployed warheads found in gravity bombs. As a result of this lack of precision in future stockpile size, the DOE's Environmental Impact Statement gives production rates that range by a factor of four from 100 to 450 pits per year. Given that the stockpile size has not been decided at this time, and that the modern pit facility will not start operations until 2018, I cannot see how the Department of Energy can configure, much less site, their pit production facility in fiscal year 2004. I concur with Senator FEINSTEIN that the DOE can hold off siting the facility for a year, while continuing its design to

match the stockpile requirements from the Department of Defense.

I would like to note that I have advocated that if and when DOE justifies the facility's size, then Carlsbad, NM is the best location for it. Carlsbad's close proximity to Los Alamos National Laboratory means that the scientists who are researching the best ways to re-manufacture pits will be able to easily travel and impart that knowledge to the production plant. Carlsbad has a top-notch workforce at the Waste Isolation Pilot Plant well-trained for handling radioactive materials that will be essential to the pit facility. The Carlsbad community has shown strong support for the facility as well.

I support this amendment, but I also want to make clear that I also support the goal of constructing a modern pit facility, provided that they have a clear mandate from the Department of Defense on the facility's size based upon the stockpile, and we expect in 2018, when it begins operation.

Mr. LIEBERMAN. Mr. President, I stand today in support of my colleague Senator FEINSTEIN, and her amendment to strip the funding from the robust nuclear earth-penetrator and the advanced weapons concepts program, and to stop the enhancement of the time-to-test readiness at the Nevada Nuclear Test Site and the site selection of the modern pit facility. I fully support Senator FEINSTEIN's efforts to attempt to put an end to nuclear proposals that have not yet been justified by hard arguments but would likely result in adverse consequences.

Almost a decade ago, the United States, our allies, and the freedom-loving nations around the world rejoiced as the cold war ended peacefully and the threat of total nuclear annihilation was lifted. We dreamed then and we hope now that we will never again enter into a global struggle with thermonuclear consequences.

Yet there are those in this world who would still do us harm, and they are armed with weapons of mass destruction. To pretend otherwise would be to pander to a most dangerous delusion. There is a real danger that they seek to secure those weapons in hardened or deeply buried bunkers. We must put our best scientists to work to learn how to neutralize this threat.

At the same time, we must be careful that in seeking to neutralize this threat, we do not aggravate it by pursuing dangerously destabilizing policies and weapons programs.

As a member of the Senate Armed Services Committee, I have been briefed on our military's conventional and nuclear capabilities. Like most Americans, I have also watched with pride as our armed forces prove in Iraq and around the world that they are second to none. Based on these observations, I am convinced that we can and will meet the threat posed by our enemies without having to resort to developing nuclear weapons to destroy deeply buried or hardened targets at this time. To do so would be premature at best and dangerous and misguided at worst.

I am further convinced by the testimony and writings of experts, both those who have worn our Nation's uniform and those who did not, that not only is the utility of these nuclear weapons questionable, but so is the very fact of whether or not they will work as hoped.

Developing low-yield nuclear weapons at this time would also severely undermine our global nonproliferation efforts. I believe that at a time when the United States is seeking to convince the North Korean leadership that they do not need to engage in a brazen drive for a robust nuclear capability; at a time when our diplomats are trying to deescalate nuclear tensions along the Indian and Pakistani border; at a time when the International Atomic Energy Agency is presently engaged in negotiations with Iran over denuclearization and inspections, that we would be naive to think that we can coax these nations to drop their nuclear plans while we invest in pursuing our own new nuclear capabilities.

In addition to undermining our international nonproliferation efforts, a new generation of nuclear weapons, especially the low-yield variety envisioned by the administration, will blur the bright lines between conventional and nuclear capabilities, and raise the likelihood of resorting to the latter. I am not alone in this concern. Former Chairman of the Joint Chiefs of Staff General John Shalikashvili stated this concern clearly and persuasively: ''[a]ny activities that erode the firebreak between nuclear and conventional weapons or that encourage the use of nuclear weapons for purposes that are not strategic and deterrent in nature would undermine the advantage that we derive from overwhelming conventional superiority.''

The world we live in is indeed a dangerous place. In response to these dangers, however, we must guard against rash actions that undermine our ultimate security. The new nuclear weapons the administration advocates will not substantially increase our sense of security and may in fact detract from it.

Mr. LAUTENBERG. Mr. President, I rise today to support Senator FEINSTEIN's amendment to remove funding for the development of new nuclear weapons. The administration is seeking $15 million to fund more research on the robust nuclear earth penetrator a nuclear bunker buster and $6 million for research on new nuclear weapons.

I must register my shock that the administration has requested this funding, reversing almost 60 years of U.S. nuclear policy. Funding such a request is the first step on a ''slippery slope'' that could irreversibly lead us to testing and maybe even deploying these new nuclear weapons.

It is imperative that we nip this mischief in the bud by supporting Senator FEINSTEIN's amendment.

Let me remind my colleagues that the administration has consistently identified one distinct threat to U.S. security and reiterated this threat innumerable times in the past year: The proliferation of weapons of mass destruction and their transfer to terrorists.

In the President's speech to the United Nations on Sept. 12, 2002, in his address to Congress in October, 2002, in his State of the Union speech this past January, he repeatedly expressed his concern about the proliferation of biological, chemical, and especially nuclear weapons.

Many Members of Congress voted to send our young men and women to Iraq to eliminate the threat of Saddam Hussein's supposed nuclear arsenal. We were told that while Saddam had not yet developed nuclear weapons, he was actively intent on doing so and the consequences would be horrific.

Meanwhile, during this same year, the administration is looking to create new nuclear weapons.

Our diplomats have just returned from six-way talks in Beijing aimed at resolving the North Korean nuclear crisis instigated last fall when Kim Jong IL announced his defiance of the 1994 Agreed Framework. How can our negotiators in good faith reassure the North Koreans and the other participants at these talks of peaceful United States intentions in the region, while at home, in our labs, nuclear scientists are experimenting with new nuclear weapons that will eventually have a yield 70 times that of the bomb dropped at Hiroshima?

It is abundantly clear that there is a copycat effect of U.S. military planning. According to former Undersecretary of Energy, Rose Gottemoeller:

> Other countries watch us like a hawk. They are very, very attentive to what we do in the nuclear arena. I think people abroad will interpret this as an enthusiastic effort by the Bush administration to re-nuclearize. And I think definitely this nuclear funding is going to be an impetus to the development of nuclear weapons around the world.

I clearly remember the devastation that the atom bombs wrought not only on Hiroshima and Nagasaki, but on all society. As Adlai Stevenson put it, ''Man wrested from nature the power to make the world a desert.''

Since those two unforgettable days in 1945, administration after administration, Republicans and Democrats, have made it clear that nuclear weapons have held a special status within the U.S. arsenal. U.S. policymakers have committed to the international nuclear arms control regime.

The research funding in this bill for the nuclear earth penetrator departs from 60 years of nuclear policy. If these weapons are researched, they will be inevitably be tested, which will undermine a 10-year U.S. commitment to a nuclear testing moratorium.

I am deeply concerned about the standing of the United States in the international community.

As a result of the unilateral approach the Bush administration has taken in Iraq, we have lost friends, trust, respect and admiration in the global community. This new nuclear policy departure will only further erode U.S. leadership and esteem in the world.

I urge my colleagues to support this vital amendment.

Mr. BIDEN. Mr. President, I rise to support Senator FEINSTEIN's amendment to strike funding allocations for certain nuclear weapons research and development activities contained in H.R. 2754 the energy and water appropriations bill. Before I discuss the particulars of this amendment, let me explain why it matters so very much in the context of the international environment in coming decades.

Today, the United States is the preeminent conventional superpower in the world. We spend more on our Nation's military than the rest of the world combined. As the dazzling display of firepower exhibited by our troops in Afghanistan and Iraq demonstrates, our Nation boasts the mightiest military machine in world history.

But none of that means our Nation is secure or can afford to rest on its laurels. As September 11 graphically exhibited, the world is a very dangerous place, if only because our adversaries and rivals are turning to asymmetric warfare to nullify our military advantages and exploit our weaknesses. One key asymmetry lies in the use of weapons of mass destruction. The spread of technology around the world allows a greater number of states and non-state actors to access the knowledge, technology, and infrastructure required to develop and produce nuclear, chemical, and biological weapons.

Nuclear weapons, in particular, can nullify the overwhelming conventional military strength of the United States. Today no weapons system can defend against the detonation of a nuclear weapon in an American city. National missile defense holds out the prospect one day of preventing the delivery of nuclear weapons via intercontinental ballistic missiles, but the technology is so premature that any effective system is years, if not decades, away. Indeed, a terrorist is unlikely to use an ICBM with a return address. And there is absolutely no system that can prevent a barge from sailing into New York City's harbor and detonating a nuclear explosive on board.

So nuclear proliferation represents the gravest threat today to our national security, a threat from which our overwhelming conventional military strength provides little protection. How do we best respond to this threat? One school calls for the development of new nuclear weapons for possible use in an otherwise nonnuclear conflict. In order to ensure that a North Korea or an Iran cannot secure its chemical and biological weapons or hide its leaders in underground bunkers, some people call for new nuclear weapons capable of penetrating layers of earth and destroying deeply buried targets.

Advocates of new nuclear weapons go off the deep end, however, when they suggest that low-yield weapons could ever destroy deeply buried targets, or that a ''bunker-busting'' weapons would not cause horrific civilian casualties. The laws of physics dictate that a warhead cannot penetrate more than 50 feet of dry rock before gravitational forces cause the warhead to break up. That means that a nuclear weapon big enough to destroy a deeply buried target—even a target 100 feet below ground—cannot be ''low-yield''. Any low-yield weapon would simply lack the explosive power necessary to destroy a target buried at that depth or lower. So the nuclear weapons designers tell us explicitly: A Robust Nuclear Earth Penetrator will never be a low-yield weapon.

But what would happen if a low-yield weapon were used against a buried target? According to the physicist Sidney Drell, a one-kiloton nuclear weapon, well below the 5-kiloton threshold below which nuclear weapons are called ''low-yield'', detonating at a depth of 40 feet below the surface would still create a crater larger than the entire World Trade Center impact zone and churn up about 1 million cubic feet of radioactive material into the air. This very small one-kiloton nuclear weapon would wreak tremendous damage, contaminating the surrounding area for miles on end with dangerous gamma rays and other radiation. This reality is vastly different from the image of a surgical weapon promoted so often by its advocates.

Advocates of low-yield nuclear weapons are trying to have it both ways. They want a weapon powerful enough to take out bunkers, neutralizing any stored chemical and biological agents, that are buried deeply below the Earth's surface. At the same time, these weapons must be small enough to minimize civilian casualties and destruction on the surface. Unfortunately, scientists and weapons designers say it just can't be done.

Weapons designers will tell you that the real purpose for low-yield nuclear weapons is not to strike underground targets when all other options have failed. Rather, these weapons could strike regular surface targets like leadership compounds—while reducing the damage that a more regular-sized nuclear weapons would cause. But that resurrects the misguided strategic concept that nuclear weapons are just handy tools, like any other weapon—a bizarre notion that should have expired along with Dr. Strangelove decades ago. Besides, low-yield weapons are nothing new. Every time we developed them, however, the military concluded that they weren't worth the effort.

Any deterrence benefits that new low-yield nuclear weapons would provide are far outweighed by both the risk that they will actually be used and the dangerous signal that they send to other countries—intentionally or not—that we intend to fight nuclear wars. Low-yield weapons, in particular, blur the traditional firewall between nuclear and conventional war. The sidestep the fact that a nuclear weapon is a weapon of a wholly different order and magnitude from any other weapon in existence today—something that any sane and rational society would only use as a truly last resort. As Hiroshima and Nagasaki demonstrated in 1945, even crude nuclear weapons are city-killers.

Let me point out one final challenge to the possible use of low-yield nuclear weapons to strike deeply buried targets. Any decision to order such a strike must rely upon unimpeachable intelligence, because no rational President will order even a low-yield nuclear weapons like without great confidence in the success of the mission. It is precisely that type of intelligence which is so difficult to obtain when it comes to acquiring information on the location of WMD stockpiles and leadership compounds in rogue states. Just look at what happened during the war on Iraq this spring. Twice, we thought we had Saddam in our sights. Our intelligence folks told the President they had good information that Saddam was in a particular location at a given time—but in both cases they were wrong. Saddam either was never there or had left before the bombs arrived. And as for taking out Saddam's chemical or biological weapons, ''all the king's horses and all the king's men'' will get back to us later.

I'm not casting blame on our intelligence community—it is an incredible challenge to gain real-time tactical information in the heat of battle. But imagine the international outcry had the United States used a low-yield nuclear weapons to go after Saddam. Not only would we have failed to kill him because he was not in the bunker, we would have caused incalculable civilian casualties, razed a large part of Baghdad, and breached the nuclear threshold.

Is this a price any future Commander in Chief would or should be willing to pay? Our enemies are not stupid—they will increasingly locate valuable targets near or next to civilian sites, such as mosques and hospitals. They may will bury deeply hidden bunkers under these sites. Again, should any President give the OK to use a low-yield nuclear weapon under such circumstances? If not, why incur the fiscal expense, diplomatic costs, and strategic risks of developing these new weapons in the first place? Why give other countries the sense that nuclear weapons are a vital element in our warfighting plans, when there would still be no rational reason for us to use them except in retaliation?

So what's the right response to the world we live in today, where nuclear

proliferation poses the greatest security threat we face? I wish I could offer you one simple solution that will effectively answer this challenge. Unfortunately, no such magic bullet exists. Instead, we need to rely on a shrewd combination of accurate intelligence, diplomacy, multilateral cooperation, arms control, export controls, interdiction, sanctions, and when appropriate, the threat or use of military force, to deter and prevent the spread of nuclear weapons.

In those situations where we must target deeply buried targets, conventional weapons offer a promising alternative to introducing nuclear weapons into the conflict. After all, chemical or biological weapons stored in an underground site can do no harm as long as they remain within that bunker. And an earth-penetrating nuclear weapon could spread far more chemical or biological agents than it burned up, unless it landed very precisely on the target. So our military could employ large conventional bombs to seal or destroy the entrance and exit tunnels to underground sites, so that any weapons stockpiles stored in such sites will not be going anywhere for a while.

Other scientists have discussed the feasibility of targeting a series of conventional missiles, one following the other, in order to burrow a ''pilot hole'' toward a deeply buried target. So let's be clear—nuclear weapons are not the only possible solution for attacking an underground target.

The neoconservative school argues that diplomacy, arms control, and international ''norms' have failed to deter rogue states like Iran and North Korea from developing nuclear weapons programs. There may be some truth to that, but diplomacy has been instrumental in slowing down the progress of these programs and restraining their scope. In addition, nonproliferation regimes and international norms have provided tremendous value in convincing more established states in the international system to remain non-nuclear. For example, it was their desire for international legitimacy which, in part, persuaded Argentina and Brazil to give up their nascent nuclear weapons programs in the 1980's. The same can be said for Japan, Taiwan, the Ukraine, and South Africa, which have all foregone, halted, or voluntarily given up their own nuclear weapons programs.

How does the Feinstein amendment fit into this broader discussion over U.S. nuclear weapons strategy and the battle to combat nuclear proliferation? The energy and water appropriations bill includes the administration's original requests for funding of a series of controversial nuclear weapons activities, including research into advanced nuclear concepts, such as low-yield weapons, and reduction of the time period between when a President makes the decision to resume nuclear testing and when our nuclear weapons complex would be able to carry out a test.

This new funding to enhance our readiness to resume nuclear weapons testing and conduct research on new weapons concepts and designs will lead us to a world where the further proliferation of nuclear weapons is more widely tolerated. While the senior officials in the current administration have disavowed any intent to resume nuclear testing or produce new nuclear weapons, their actions tell a different story.

The Nuclear Posture Review of December 2001 identified not only Russia and China as potential targets in a future nuclear war, but also North Korea, Iran, Syria, and Libya. The latter countries were cited as seeking weapons of mass destruction, but not necessarily nuclear weapons.

More recently, civilian Pentagon leaders ordered a task force to consider possible requirements for new low-yield nuclear weapons, even while assuring the Senate that no formal requirement has yet been established.

A presidential strategy document reportedly stated that the United States might use nuclear weapons against a non-nuclear state possessing chemical or biological weapons.

Senior officials publicly discuss the possible need to resume underground nuclear testing, either to ensure that existing weapons are safe and reliable or to test new weapons, all the while scorning the Comprehensive Test Ban Treaty.

The Feinstein amendment would strike out the $15 million allocation for the Robust Nuclear Earth Penetrator, eliminate the $6 million allocation for Advanced Weapons Concepts Initiative and prohibit the use of any appropriated funds to shorten the time period required to prepare for an underground nuclear test from the current 24 to 36 months to less than 24 months.

It would also prohibit the use of funds for site selection or conceptual design of a Modern Pit Facility, which would produce replacement plutonium triggers for the existing nuclear stockpile. The amendment reallocates the eliminated funding to the paramount goal of deficit reduction.

Let me remind my colleagues that this amendment only proposes to do what the Republican-controlled House largely already did in July, when it adopted its version of the Energy and Water appropriations bill. According to press reports, Representative DAVID HOBSON, the Republican chairman of the relevant House Appropriations subcommittee, defended his panel's decision to strike this funding by asserting the U.S. Government should first address the rising costs of managing its existing nuclear stockpile and disposing of its nuclear waste before moving ahead with new nuclear programs. Neither the full House Appropriations Committee nor the House as a whole challenged the subcommittee's mark.

We should all remember the House's actions when our opponents charge that this amendment will jeopardize U.S. national security or represents some extremist, antinuclear weapons agenda. In fact, the opposite is true.

So what's the bottom line here? Today, the United States deploys 6,000 strategic nuclear warheads and possesses in total more than 10,000 deployed or reserve nuclear weapons. As we are the overwhelming conventional military power in the world, it is decidedly against our interest to see others obtain and/or use nuclear weapons. Why on earth, then, are we considering the acquisition of additional and more advanced nuclear weapons?

If we continue on these steps to develop these new weapons, our friends and enemies alike can easily dismiss our future admonitions on why nuclear weapons fail to provide true security. Indeed, our adversaries will take to heart one overriding lesson: Develop your own nuclear weapons to deter a preemptive U.S. strike.

Let me close with a statement by Secretary of State Colin Powell, a man who spent the majority of his career in the uniformed military. In May 2002, Secretary Powell discussed the potential for an India-Pakistan conflict to evolve into a nuclear clash. But his larger point holds true for our debate today:

> Nuclear weapons in this day and age may serve some deterrent effect, and so be it, but to think of using them as just another weapon in what might start out as a conventional conflict in this day and age seems to be something that no side should be contemplating.

The Feinstein amendment enhances U.S. national security by preventing our Nation from sleepwalking into an era when nuclear weapons are considered just another weapon. The United States is the leader of the world. Other nations watch us and they follow our lead. Let's not lead them astray.

Mr. AKAKA. Mr. President, I rise today to comment on the debate over funding for the administration's request for studying new nuclear weapons in the Energy and Water Development Appropriations bill.

The administration proposes that Congress fund the study of two new nuclear weapons: a robust nuclear earth penetrator, RNEP, and a low yield nuclear weapon.

Why does the United States need these new nuclear weapons?

The administration's case for these new nuclear weapons presumes that deterrence may not be working well in the post-cold war security environment. Leaders of rogue states may conclude that the United States cannot attack their deep bunkers or weapons of mass destruction, WMD, and so act or use their WMD with impunity. These new nuclear weapons supposedly will bolster the U.S. deterrent.

But does our nuclear arsenal no longer deter?

Deterrence involves credibly threatening an enemy to deter them from taking unwanted actions. It involves having the forces to fulfill the threat

and the resolve to carry out the threat. We have enough nuclear weapons to accomplish this goal. Over a decade after the end of the cold war we possess an arsenal that could still end life on earth as we know it. This massive destructive power should give pause to any nation or dictator that wants to attack the United States with nuclear weapons.

While the Congress was on recess, the annual remembrance of the bombings of Hiroshima and Nagasaki and the end of World War II passed. On August 6, 1945, the United States dropped the first atomic bomb on Hiroshima. Three days later another was dropped on Nagasaki. Shortly thereafter Japan surrendered, ending World War II.

The Hiroshima bomb had an explosive power of 15 kilotons of TNT and killed almost 70,000 people immediately and injured as many more. The Nagasaki bomb was 22 kilotons and killed 40,000 people and injured another 25,000. There had been devastating conventional bombing attacks during World War II. The fire bombings of Dresden and Tokyo also caused widespread damage and loss of life. But the realization that one plane with one bomb could destroy a city was a new and fearsome development.

After the end of World War II and the onset of the cold war, the U.S. arsenal expanded rapidly. By 1960, more than ten thousand nuclear weapons were in the U.S. arsenal. Weapons had expanded from kiloton to megaton size. The U.S. arsenal grew to have 20,500 megatons of TNT explosive power.

A megaton is an enormous amount of destructive power. A kiloton is a thousand tons. A megaton is a million tons. In 1960, the U.S. arsenal had almost seven tons of TNT of explosive power for every one of the three billion men, women and children on the planet.

The massive overkill of the U.S. arsenal, like its Soviet counterpart, has declined since the 1960s. The United States still keeps thousands of nuclear weapons. But the average explosive power of a U.S. nuclear weapons has decreased. As a result the U.S. arsenal today contains only some 1,200 megatons of explosive power. Still enough, however, for 400 lbs. for every person on Earth.

Some advocates of small nuclear weapons claim massive firepower is a poor deterrent. They argue that the United States would not use a large nuclear weapon for a limited strike. They further argue that smaller, more usable nuclear weapons will be a more credible deterrent because rogue state leaders will believe the United States could use them. The administration proposes to investigate the possibilities of a new nuclear weapon with a yield of less than five kilotons to meet this goal.

Five kilotons is one third the size of the Hiroshima bomb. It is not a low-yield weapon. It is equivalent to 5,000 tons of ten million pounds of TNT. Yet, the use of such new lower yield nuclear weapons is incredible because it is impractical and there are conventional weapons that can or will be able to do the job. We are told there are dozens if not hundreds of buried hardened targets. Without excellent intelligence on where WMD or rogue leaders may be hidden, the United States would need to drop dozens or hundreds of nuclear weapons. The radioactive fallout from such a strike would be large. The international political fallout would be massive and so would be the international environmental effects.

The U.S. nuclear arsenal is currently diverse and flexible. the United States in fact already possesses such low-yield nuclear weapons. I asked Secretary of Energy Spencer Abraham for the record when he was before the Senate Armed Services Committee this spring if the United States had operational nuclear weapons that could have yields of less than five kilotons. Secretary Abraham's unclassified written response was that, ''The U.S. has two existing nuclear weapons that have certified yields of less than five kilotons.''

As for the robust nuclear earth penetrator, we already have one of these as well. As has been well publicized, in the mid-1990's, the United States deployed the B61–11 bomb for an earth penetrating mission.

The administration claims the B61–11 is no longer adequate for the job. Energy Department officials informed congressional staff in an unclassified briefing that the B61–11 was designed not to penetrate rock but to attack only certain targets in hard or frozen soil in Russia. It is not able to counter targets deeply buried under granite rock. Moreover, it has a high yield, in the hundreds of kilotons. If used in North Korea, the radioactive fall out could drift over nearby countries such as Japan.

Is the solution to a seeming limitation to the B61–11 exploring yet more and more nuclear weapon designs? This search for a perfect nuclear deterrent reminds me of the mad logic of the cold war where the United States and Soviet Union pursued more and more nuclear weapons of more and more sophisticated designs to try to cover more and more contingencies. These endless improvements are unnecessary, expensive and dangerous.

For example, some argue using new small penetrator nuclear weapons is preferable to using conventional weapons for attacking buried chemical or biological weapons. They hope that a nuclear weapon would incinerate hidden weapons. However, calculations by Princeton physicist Robert Nelson indicate that, unless the strike is extraordinarily precise, the blast from a nuclear weapon has as good a chance of dispersing buried agents as destroying them. Our conventional forces can also attack or disable deeply buried targets. They will continue to improve in effectiveness and lethality. We should focus on improving their capability, not chasing some nuclear will o' the wisp.

The $21 million for the RNEP and advanced weapons concepts, including the low-yield nuclear weapons, in the fiscal year 2003 budget could be better spent elsewhere to guard us against real nuclear threats. There is widespread agreement that al Qaeda or other terrorist groups would make use of a dirty bomb if they could get hold of radioactive materials. I have released three General Accounting Office reports this year that show the United States and international controls over radioactive sealed sources that could be used in a dirty bomb are severely lacking. The Energy Department could better spend the funds being proposed for new nuclear weapons on improving the tracking and security of dangerous radioactive sources here and abroad.

Pursuing new nuclear weapons will undermine our non-proliferation goals. The example we set for the rest of the world does matter. Getting the world's approval for the indefinite extension of the Nuclear Non Proliferation Treaty in 1995 was dependent on the United States and the other nuclear powers signaling they would rapidly negotiate a comprehensive Nuclear Test Ban Treaty, CTBT.

The United States and Russian decision to stop nuclear testing in the lead up to the CTBT talks put pressure on France and China to end their nuclear test programs in the 1990's. Had the United States and the other nuclear powers not stopped nuclear testing it would have been even more difficult to pressure Pakistan and India to put a quick to their nuclear tests. It would be even harder to put pressure on North Korea today.

Getting the world to continue to help us to pressure North Korea and Iran will be more complicated if the United States weakens its commitments to non-proliferation. In early September, Russia complained that several states' failure to ratify the CTBT is delaying its entry into force at an international conference convened to look at this question. This controversy over the U.S. non-proliferation policy is not welcome news when the administration is now seeking support to condemn Iran's nuclear program at an upcoming IAEA meeting. News reports indicate that the United States will have a hard time doing this as Iran has more allies on the IAEA's board than does the United States.

The non-proliferation regime, laboriously constructed by the United States and the international community over 30 years, has been a success. Rather than having dozens of countries with nuclear weapons, we confront a few, final, hard cases that have been a problem for many years but whose time is running out. New nuclear weapons are not the way to address the challenges these nations pose.

Rather, a diplomacy of engagement, building the support of the international community, and maintaining our strong alliance commitments and conventional forces is the way forward.

The administration is learning that force and confrontation are not a solution to the non-proliferation problem. Saddam Hussein's weapon of mass destruction program was not an imminent threat. Continued inspections and indefinite monitoring which were envisioned under the U.N. resolutions would have contained his program. Confrontation with North Korea has led to an acceleration of the North Korean nuclear program not its demise. Now the administration must negotiate seriously with North Korea to bring and end to the crisis and create a new security regime in the Northeast Pacific.

The administration should understand more and more types of nuclear weapons will not guarantee deterrence, prevent the proliferation of WMD, prevent war or conflict. In fact, during the cold war we found our ever increasing nuclear arsenal could not achieve these goals. Paranoid, pygmy or pariah states, as Professor Richard Betts once characterized them, sought nuclear weapons for their defense due to their imagined or justified fears, their perceived conventional weaknesses, or because of their outcast status. Nuclear weapons did not prevent the Korean war, the Vietnam war, the Arab-Israeli wars, or the Soviet invasion of Afghanistan.

Deterrence has many components: nuclear forces, conventional forces, strong alliances, a strong economy, and a strong resolve among them. At this moment in history we need an intelligent diplomacy, strengthened alliances and capable conventional forces more than we need more and new types of nuclear weapons.

We have enough nuclear weapons to maintain nuclear deterrence. If anything, we should be seeking ways to further reduce ours and other countries' nuclear arsenals, not add to them. Talk to the contrary by promoters of new nuclear weapons misrepresents the strength of our existing forces and our resolve. We are sending the wrong message about our military strength.

I urge my colleagues to reject funding for these new nuclear weapon designs.

I urge my colleagues to vote for Senator FEINSTEIN's amendment.

Mr. DOMENICI. Mr. President, if I might have the attention of Senator REID, it has come to my attention, for a reason involving an individual Senator, that it would be more accommodating if we started our vote at 2:45. Does the Senator have any objection to that?

Mr. REID. I modify the request that the time between 2:15 and 2:45 be equally divided between both sides, Senator DOMENICI controlling 15 minutes and Senator FEINSTEIN controlling 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I indicate to the Senate that we will have a few minutes before the vote. I will summarize again and we will have handouts if anyone needs to know what this Senator thinks the issues we will vote on are.

In summary, No. 1, there is no authorization to build any new nuclear weapons. We are building none now. We have not built any for a long period of time.

No. 2, a portion of this bill says the Nevada Test Site will be made ready so it can be used in 18 months rather than 3 years. Almost everyone knowledgeable in the field thinks it is high time that happened.

No. 3, there is a small amount of money to begin planning, designing and feasibility, for a pit manufacturing facility. We are the only nation with nuclear weapons which has no spare pits, plutonium pits, the essential ingredient. We have tried to make them in Los Alamos. It is makeshift and it has been very expensive.

It is clearly indicated for the next 40 or 50 years we need to build a facility. This bill provides a start on that long-term effort.

Not yet have I said anything about new weapons or America engaging in a new course of conduct with respect to nuclear energy. That is not happening.

Next, the bill says, do not tie the hands of our great scientists with reference to the future. Let them study, let them think, let them design, but do not let anyone build any new weapons. Let them think about the future and what might be needed in light of the changed circumstances in the world. It is very prudent to do that.

In all three regards, there are clear cases the Feinstein amendment should fail. I hope it does so we can proceed ahead with these things that are necessary.

I yield whatever time the distinguished Senator from Indiana needs. I share my grave concern and condolences over the death of his esteemed Governor.

I yield the floor.

TRIBUTE TO GOVERNOR FRANK O'BANNON

Mr. BAYH. I thank my colleague from New Mexico, and I thank all Members of this body.

It is with a sense of melancholy but also gratitude that I rise today to celebrate the life of Frank O'Bannon. He died as he lived, in service to the people of the State of Indiana.

Frank O'Bannon was my friend and spent the best years of his life in public service: 18 years following in the footsteps of his father in the Indiana State Senate where he served as the leader of the Democratic Party; 8 years as lieutenant governor where we enjoyed a seamless partnership working on behalf of the people of our State, always a source of wise counsel, support, and encouragement; in these last 7 years, working on behalf of the people as Governor of the State of Indiana.

His accomplishments were many and will be everlasting in memory. His devotion to education was second to none. He fought for higher academic standards, a system of assessments to determine how children are doing toward meeting those standards, and taking aggressive steps to ensure that every child across our State would have access to the skills necessary to make the most of their God-given abilities.

He worked tirelessly first as lieutenant governor and then as Governor on behalf of a better economy, more job opportunities for the people of Indiana. Particularly during these recent difficult years he doubled his efforts to ensure that our State would be competitive with not only our neighboring States but also with those with which we compete from abroad.

Frank O'Bannon cared about a better quality of life for all Hoosiers. He work tirelessly for better health care for the citizens of our State, particularly for the young. I am so very proud the State of Indiana ranks at the top in the country in terms of how we have used the new CHIP Program to extend health care benefits to disadvantaged children across our State. I was privileged to work with him in my capacity in the Senate to ensure our State continued to receive full funding for our efforts.

Frank O'Bannon had many other important contributions in his legacy. Most recently I had a chance to visit the new White River State Park in Indianapolis and the magnificent Historical Society Center in Indianapolis where he hosted, along with our first lady, Judy O'Bannon, the other Governors from across the country to showcase the magnificent place that Indianapolis has become. The Historical Society was a wonderful setting for the Governors. We had a chance to display the finest of Hoosier heritage for the entire country.

The White River State Park will be a magnificent urban park attracting not only tourists from across the State but also business and industry as leaders of finance seek a better quality of life for their employees. His contributions to that effort were substantial, as well.

I believe Frank O'Bannon was a special man not for his material accomplishments but instead for the kind of man he was. There is an old saying that character is destiny. I believe that is true. Therefore, it is no wonder that Frank O'Bannon accomplished so much. He was a man of true and outstanding character, indeed. In all my years of association with him I never once saw him do something that was mean or petty. He understood very well that it is far better to be loved than feared. Even more, I always saw him place self-interest behind the public good, truly remarkable during an age of cynicism and skepticism about those in public life.

There is an old proverb that says the definition of a statesman is someone who plants a tree in whose shade he will never rest. Seedlings have been

planted across our State that will grow into strong oaks under which future generations will rest with ease, more secure because of the work and the legacy of Governor O'Bannon. He was a statesman, indeed.

A calling characterized all too frequently by ego and hubris, Frank O'Bannon was always humble, gentle, giving credit to others, even when he deserved the lion's share. One of his favorite pastimes was to go to his cabin in Harrison County in southern Indiana to commune with nature and watch the wildlife and experience Mother Nature. That is where Frank and Judy O'Bannon were most at home. That speaks volumes about his character, as well.

Let me say a word, too, about Judy. She was an exemplary first lady, leading our State in the celebration of the recent millennium, always concerned that our history and culture never be lost, always reaching out to those in need. She is generous of spirit. I hope her contributions to our State will continue for many, many years to come. Judy O'Bannon has done the people of our State proud.

So today, my colleagues and Mr. President, we mourn, but we can take comfort in the knowledge that our loss has been Heaven's gain, that the life and legacy of Frank O'Bannon will not end with our grieving or with my few inadequate words but will remain everlasting in the hearts of Hoosiers everywhere as long as we can still recall what makes our State such a special place.

I thank my friends and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I think a recess is coming; is that correct?

The PRESIDING OFFICER. That is correct.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent, despite the recess, to be able to speak 3 minutes in opposition to Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, I rise in opposition to Senator FEINSTEIN's amendment, certainly not in opposition to her. She is one of my closest friends in the Senate, and I admire her greatly. We just simply disagree on this particular amendment.

Of all the debates we are going to have in the coming months, I think this is one of the most important. The amendment would prohibit the Department of Defense and the Department of Energy from pursuing an advanced concept and research design to transform some current inventories of nuclear weapons, to be able to do something they cannot do today; that is, to penetrate hardened sites to counter the war on terrorism.

The war on terrorism is like every other war in many ways. The people we are fighting have the same hopes and aspirations as the people who fought in World War II. In Hitler's world, if you were not of a certain ethnic makeup, you could lose your life. And in Hitler's world, there was total obedience to the state. And the Japanese empire had a very intolerant view of the people who were different and disagreed.

The idea that one particular group wants to shape the world in a very harsh fashion has been with us as long as time itself. And in the terrorist world, young girls don't go to school. In their world, there is one way to worship God. It is their way. If you choose to do it some other way, you could lose your life.

So the basic concepts of the war on terrorism are very old. But the way we fight this war is going to take some adapting. The group that wins the war on terrorism will be the group that was able to adapt the best.

Here is what I see coming down the road for the American military, for American policymakers. The terrorist organizations that perpetrated 9/11 and that we are pursuing all over the world today do not have navies and armies, and they do not have a nuclear force as we faced in the former Soviet Union. But they have a desire, unequaled by anybody, to build a nuclear weapon, to acquire chemical and biological weapons. Their desire is great. Their commitment to use it is unquestioned.

Let it be said, without any doubt, if they could get a nuclear weapon, they would use it. If they could get chemical or biological weapons that would hurt millions of Americans or people who believe in freedom, they would use it.

The only way they are not going to use it is to make sure they don't get it. And the best way to make sure they don't get it is to bring them to justice, and to end their ability to finance terrorist activities, to organize, and to project force.

I can foresee in the near future, not the distant future, that terrorist cells will reorganize. They will use some remote part of the world to form their plans, to plot and scheme, and maybe to actually manufacture—some remote part of the world that is very well guarded and not subject to conventional attacks, in a part of the world where it would be hard to get conventional forces to neutralize the terrorist threat. I see that as a very real possibility in the coming decades, in the coming years, maybe even the coming months.

The legislation we have before us would take off the table our ability to adapt our nuclear deterrent force to meet that threat. Look how much money we spent during the cold war to neutralize the Soviet threat—the Star Wars programs and other ideas that made it very difficult for our enemy at the time to keep pace. It is one of the reasons the world is safer today, because we were able to adapt.

We took our nuclear programs, not to use the weapons, but to prevent those weapons from being used against us. We adapted our nuclear force in a way that eventually won the cold war.

I think that same scenario exists today. We should have on the table the ability of the great minds in this country to adapt, if necessary. And there is nothing in this proposal by the administration to build a weapon. It is to look at our current inventory and see if it can be adapted to a real threat.

I admire Senator FEINSTEIN, but I think her amendment would do a great injustice to the future policymakers and the military men and women of the future when it comes to fighting the war on terrorism because this war has just started. It is not anywhere near over. The major players are still alive, but they are trying to get people to follow in their footsteps. So we are going to be in this war for a long time.

The question before the Senate and before the country is, If we knew that bin Laden, or someone like him, was in some mountain fortress in Afghanistan or some other country, on the verge, within that fortress, of developing a nuclear, chemical, or biological weapon, what would we do to stop it?

I think we should do everything we can to stop it. And the idea of being able to use a redesigned nuclear weapon to keep a terrorist from hitting us with a nuclear weapon is something that we have to come to grips with because it is part of the war on terrorism.

So I hope the Senate will reject Senator FEINSTEIN's efforts to stop this inquiry because this is an inquiry that needs to be made sooner rather than later. I think the Bush administration is on the right course and the right path in taking the great minds of our time and letting them adapt our nuclear force to the coming threats because the coming threats are not from the Soviet bloc countries; they are going to be our allies. The coming threats are from people who hide in faraway places, deep in the bowels of the earth, with great hatred in their hearts.

We need to meet that threat. So I ask each Member of the Senate to dig within their heart and to make sure their vote does not take an option off the table that may well save this country from something we never experienced: a major nuclear, chemical, or biological attack.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. REID. Mr. President, I expected Senator DOMENICI to be in the Chamber. We have a couple of amendments we wanted to clear before the vote began, but he is not present. So Senator FEINSTEIN should go ahead and start her debate if she cares to.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask the minority whip how much time I have.

Mr. REID. Before I respond, Senator DOMENICI is present and we will be happy to extend the time of the Senator if we need to.

AMENDMENTS NOS. 1665, 1666, 1667, AND 1668 EN BLOC

Mr. REID. Senator DOMENICI and I have been working on a number of issues. I send a series of four amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1665, 1666, 1667, and 1668 en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1665

At the appropriate place insert the following:

WORKING CAPITAL FUND

(RESCISSION)

From unobligated balances under this heading $4,525,000 are rescinded.

AMENDMENT NO. 1666

On page 32, line 10 strike ''853,517,000'' and insert in lieu thereof ''859,517,000''.

AMENDMENT NO. 1667

At the appropriate place insert the following:

SEC. . That of the funds provided, an additional $3,000,000 shall be available for the Middle Rio Grande, NM project and an additional $3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

AMENDMENT NO. 1668

On page 33, at the end of line 12 insert the following:

''BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.''

Mr. REID. Mr. President, our staff has worked on these amendments during the last several days. I ask they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1665 through 1668) en bloc were agreed to.

Mr. REID. I ask that the Senator from California be given an extra minute from the time we just took.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 1655

Mrs. FEINSTEIN. Mr. President, I ask the Chair to let me know when 7 minutes have expired so I can defer to my cosponsor, Senator KENNEDY.

The PRESIDING OFFICER. The Chair will inform the Senator.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent that the names of Senators JOHNSON, MURRAY, CLINTON, and ROCKEFELLER be added to our amendment as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, yesterday Senator KENNEDY and I came to the floor and we spent some time arguing on behalf of an amendment to this bill which contained language similar to what was recently past by a large majority in the House of Representatives. The bill passed by the House of Representatives struck the language that appropriates funds to begin a new generation of nuclear weapons.

Now, there are some on the other side who say, and continue to say, this is just a study; there is no development. I believe that is not the case. Let me connect the dots for you.

In January of 2002, the administration put forward a Nuclear Posture Review which advocates the development of new types of nuclear weapons. Later that year, the President signed National Security Directive 17, indicating that the United States might use nuclear weapons first to respond to a chemical or biological attack.

Earlier this year, a decade-old prohibition on the development of low-yield nuclear weapons was rescinded in the Defense authorization bill. For 10 years, this kind of thing was prohibited. That prohibition, known as the Spratt-Furse amendment, was repealed earlier this year.

This spring a statement of administration policy for the Defense authorization bill clearly included support for the research and development of low-yield nuclear weapons.

In this bill the Senate is being asked to provide the dollars to begin this effort—$15 million for the study of a robust nuclear earth penetrator. We are talking in excess of 100 kilotons; $6 million for advanced concepts research, including low-yield weapons; funding for enhanced test site readiness; and a huge new $4 billion plutonium pit facility—all of this when we are already spending $2.3 billion for a Los Alamos facility that can provide replacement for the U.S. nuclear stockpile.

We are strongly opposed to America beginning a new generation of nuclear weapons. We are opposed to it for two reasons: No. 1, the low-yield nuclear weapon—under 5 kilotons—essentially begins to blur the use between conventional and nuclear weapons, therefore making it easier to use. And, No. 2, because the world will watch this and the world will respond. The way in which they will respond is with a new nuclear arms race.

If the United States begins to develop tactical, battlefield nuclear weapons, how long will it take for two indigenous nuclear powers, namely India and Pakistan, arch enemies, to say we should do the same thing. How long will it take for North Korea or Iran or any other nation that so seeks to begin such a similar program?

As many internationally have said: America preaches nonproliferation, and then it goes ahead and develops new nuclear weapons.

I think that is hypocritical. I do not think this country should be in that position.

So we strike these items; we fence two, we place the rest of the money in deficit reduction.

I want to say a few words about the nuclear pits because I think there is some misunderstanding. Although current production capacity may be limited, it is simply not true, as some have asserted, that the United States lacks the capacity to manufacture replacement pits. According to the Department of Energy's own Web site:

The first pit that could be certified for use in the stockpile was manufactured in April 2003 as a first step to establish an interim—10 to 20 pits per year—production capability at Los Alamos in 2007.

And the Los Alamos facility can be modified to produce 150 pits a year.

Although the exact number is classified, reputable open sources estimate that there are between 5,000 and 12,000 extra pits in reserve at Pantex, beyond the 10,600 current intact warheads.

The average age of the plutonium pits in the U.S. stockpile is 19 years, and the Department of Energy estimates a pit minimum life to be between 45 and 60 years, with no life-limiting factors.

This is the beginning. This money will go to field a new generation of nuclear weapons. We should not do this. The House had the good sense to eliminate this language. The Senate should follow.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mrs. FEINSTEIN. I yield 4 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Five minutes ten seconds.

Mr. KENNEDY. And how much on the other side?

The PRESIDING OFFICER. They have 13 minutes.

Mr. KENNEDY. Four minutes?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I am recognized for how long?

The PRESIDING OFFICER. The Senator from California has yielded 4 minutes.

Mrs. FEINSTEIN. Mr. President, I am happy to yield the remainder of my time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Then, would the Chair let me know when I have a minute and a half left, please?

First of all, I welcome the opportunity to be here with my friend and colleague from California in what I consider to be one of the most important votes that we will have this year. It is an issue involving our security. It is an issue, I believe, also, in the battle on terrorism.

It was just 40 years September 24, 40 years ago on September 24, that we had the signing of the first partial test ban treaty.

This chart reflects in a very abbreviated way, but an enormously important way what has happened over the last 40 years as leaders of the Democrats and Republicans alike moved us away from the real possibility of nuclear confrontation, and we have seen enormous success. We have seen the willingness of countries around the world to give up their capability of developing nuclear weapons because they wanted to be a part of the worldwide effort on nuclear proliferation. They also recognized it would be a more secure world if we didn't have further nuclear expansion.

We listened to the debate yesterday and the points that were well-made by my very good friend from New Mexico about how this legislation is really not about developing a new nuclear weapon. But the Senator from California pointed out three different references, all which have been included as a part of the RECORD. The most obvious is the administration's own statement of administration policy this past spring asking for the continued need for ''flexibility in the cooperative threat reduction program and support for critical research and the development''—I will say this again—''and the development for low-yield nuclear weapons.'' That is what this issue is about.

Are we going to reverse the last 40 years? Do we possibly think there will be a safer America if we begin to move back towards the testing and the developing of what they call mini-nukes?

I don't believe so, because I believe a nuke is a nuke is a nuke. It is an entirely different weapons system than those in our conventional forces. We understand that. We have to take what the administration has stated: they intend to move ahead in the development of a new nuclear capability.

Those with responsibility within the administration have made it very clear. In February of 2003, Fred Celec, Deputy Assistant Secretary of Defense for Nuclear Affairs, said:

> If a nuclear bomb could be developed to penetrate rock and concrete and still explode, it will ultimately get fielded.

In April of 2003, Linton Brooks, Chief of Nuclear Weapons at the Department of Energy, stated before the Senate Armed Services Committee:

> I have a bias in favor of the lowest usable yield because . . . I have a bias in favor of things that might be usable.

We have been warned. We have the capability that exists to make sure we have the deterrence on into the future. But this is a radical departure of 40 years of Republicans and Democrats alike moving us away from the dangers of nuclear confrontations and the dangers of nuclear proliferation to the development of small nuclear weapons. And we will find this an invitation for the terrorists around the world to come and seek out that weapon. If we develop a small nuclear weapon, what are we going to find? The corresponding action by countries around the world—the Iranians and the North Koreans continuing their progress in developing their own nuclear weapons system.

That doesn't make sense in terms of the country that is the number one military force in the world today. It doesn't make sense, and it doesn't make sense for our battle against the war on terrorism.

It is very clear why this amendment is needed. The administration pretends it is not really planning to produce these new kinds of nuclear weapons—the mini-nukes and the bunker busters. They just want to find out if they are feasible.

We all know what is at stake. The administration wants us to take the first steps down a new path. But going down that path could easily make nuclear war more likely. Just a little step—they say. But it is still a first step. And a step down that path now could make the next step easier, and the next and the next. It is a path that makes nuclear war more likely, and the time to call a halt is now—before we take the first step.

We ask for and implore the support of our colleagues to move us away from the real dangers of nuclear proliferation and the development of these dangerous mini-nukes that can pose a danger to the world population.

I withhold whatever time is left.

Mrs. FEINSTEIN. Mr. President, before the chairman of the committee speaks, I ask unanimous consent that Senator STABENOW be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, first of all, it should be understood by everyone that this language which is being stricken does not permit the United States of America to build any new nuclear weapons—large, small, medium-sized, or otherwise. There is no authority in this bill to build new nuclear weapons.

No. 2, this bill says that in Nevada we used to test nuclear weapons for decades. Whenever our nuclear laboratory experts used to certify to our Presidents that the weapons were in good shape, ready, reliable, available, and safe, they did it principally because we had a testing ground in Nevada, and we tested bombs to know precisely their efficacy, reliability, et cetera.

When we decided to no longer test, we essentially closed down or put that test facility in mothballs. But we knew we must always keep it in case we needed it. We left it there, saying if we ever need it, we can use it in 3 years.

All this amendment does—it could be a totally freestanding amendment, if one wanted, but it is part of the amendment that the Senator from California strikes—is say let us upgrade that Nevada Test Site so if we need it, we can use it in 1½ years. There are few American nuclear experts who do not think 1½ years is the correct amount—not 3 but 1½. That has nothing to do with us setting about to build a brand new small nuclear weapon. It has nothing to do with us building a stockpile of new weapons. It has to do with just what I explained and nothing else.

Third, regardless of what has gone on in Los Alamos for the last 7 years in an effort to produce for America plutonium pits—the ingredient for a nuclear weapon that must be there or you don't have a nuclear weapon—we have no American manufacturing center for the production of pits. The Los Alamos facility has been a facility that we just pushed. We pushed it and pushed it, and finally it has almost produced a pit. But it has not produced a certifiable pit yet in 7 years of effort. It has produced a pit or two, but they are not certifiable, which means they are not complete.

All this bill says is the time has come to build a plant to manufacture pits for the next 40 years—not for a new weapons system but so we can have them in storage for the next 40 years. We are the only nuclear weapons power without spare pits for nuclear weapons. Yes, the only one. Why would we say we should not do that? The only reason we would do it is if we believed what the Senator from California alleges; that is, we are doing it because we are going to build a new set of nuclear weapons.

If we were authorizing a series or a set of new nuclear weapons, this amendment would be the biggest amendment in the country. It would have been written about, talked about, harked about, and we would have been all over and upside down and inside out. But there is nothing in the bill that produces a single new nuclear weapon.

That comes to the final part. It is very simple, if you will just listen and know what we are trying to do.

Those who manage our nuclear, those who are our nuclear experts, who use their minds to dream up ideas about where we are going to be, what troubles we might have in the future, and what new might occur in the world that might require changes, are the men and women of great talent. This bill does what the executive branch and the experts on nuclear management say: Let those people think, let those people design, let those people postulate, and don't put blinders on their brains and say you can't even think about these things because it might someday yield an idea that might cause us to do something different with a nuclear weapon.

Frankly, I believe the men and women who already put that fantastic brainpower to work in this area deserve to have their brains used, not tied in knots by rules about what you cannot think about and what you cannot plan for.

The third part, this amendment says you cannot plan, think about, design for the future, even when you know you cannot build them, which is what the rule is going to be.

We have argued this about as long as we can. I have argued it about as hard as I can. I am getting close to being tired of arguing this, but it is so important we not make a mistake. It would be a tragic mistake to vote for the Feinstein amendment. There is nothing we are doing that the Feinstein amendment should stop. If, in fact, we were going to build nuclear weapons, you ought to be concerned and perhaps vote with her, if she is saying do not do it. But we do not plan to. It is not in here. And she cannot stop it because we are not going to do it. In that regard, the amendment is useless.

But it is not useless when it comes to the three things that it does: It will stop us from planning the manufacturing plant of the future for pits. It will do that. And we should not do that. Second, it will stop the money and the planning and the work to bring the Nevada Test Site up to par and ready for a new test in 18 months rather than 3 years. It will do that. And third, it will put blinders on the scientists with reference to them being able to speak about the future and future needs, which change.

How much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes remaining. The Senator from California has 9 seconds.

Mr. DOMENICI. I reserve my time.

AMENDMENTS NOS. 1676, 1677, 1678, EN BLOC

Mr. REID. Mr. President, I send three amendments of Senator DOMENICI to the desk. They have been reviewed. I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DOMENICI, proposes amendments Nos. 1676, 1677, and 1678, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1676

At the appropriate place, insert the following:

SEC. . LOWER COLORADO RIVER BASIN DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1534(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury may not be expended until further Act of Congress.

AMENDMENT NO. 1677

(Purpose: To set aside additional funds for the Mni Wiconi project, South Dakota)

On page 33, line 12, before the period at the end, insert the following: ''*: Provided further*, That of the funds provided under this heading, an additional $5,000,000 may be available for the Mni Wiconi project, South Dakota''.

AMENDMENT NO. 1678

(Purpose: To set aside funds for certain projects and activities at the Alabama-Coosa River, Alabama)

On page 15, line 16, after the colon, insert the following: ''*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not less than $5,461,000 of the funds made available under this heading for the Alabama-Coosa River, Alabama (including for routine operations and maintenance work at Swift Creek Park), of which not less than $2,500,000 may be used for annual maintenance dredging of navigational channels of the Alabama-Coosa River:''.

Mr. REID. These have been cleared by Senator DOMENICI, this Senator, and our respective staffs.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1676, 1677, and 1678) were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1655

Mrs. FEINSTEIN. I yield the remaining time.

Mr. DOMENICI. I yield my remaining time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time having expired, is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID of North Carolina. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY) the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—53

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Frist	Nickles
Bond	Graham (SC)	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Snowe
Chambliss	Hollings	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NAYS—41

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Biden	Dorgan	Lincoln
Bingaman	Durbin	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Pryor
Byrd	Harkin	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	

NOT VOTING—6

Edwards	Graham (FL)	Lieberman
Fitzgerald	Kerry	Smith

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator JACK REED has an amendment that is acceptable, if he is ready. Is the Senator ready?

Mr. REED. I have my amendment.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I send amendment No. 1659 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. LEVIN, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. NELSON of Florida, proposes an amendment numbered 1569.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of fund for certain activities relating to advanced nuclear weapons concepts, including the robust nuclear earth penetrator)

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available to the Department of Energy by this Act may be available for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the robust nuclear earth penetrator.

Mr. REED. Mr. President, I ask unanimous consent that Senator NELSON of Florida be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I am disappointed the Feinstein-Kennedy amendment did not pass because I believe that amendment really responded to the issues of the moment. We are in a dangerous time because we see around the globe where there are nations aspiring to become nuclear powers, where proliferation is one of the most dangerous threats this Nation faces, particularly proliferation that would provide fissile material to terrorists, which is the great fear of all of us.

In order to resist the growth of nuclear powers around the globe, we have to be faithful to our commitment to arms control and our sense that further development of nuclear weapons—and, I would argue, weapons without military requirements—is really not so much an exercise in protecting the United States but it is an exercise that will lead us down a path that could see our country exposed to even more dangers. So I am very much concerned that the Feinstein-Kennedy amendment failed.

Therefore, I am proposing an amendment that I hope will essentially put restraints upon the use of these dollars in the development of nuclear weapons, and I will explain it in more detail later. It would constrain the expenditure of funds to the the research phase. It would preclude monies to be used to engineer a weapon, to test a weapon, and to deploy a weapon. It is language that is consistent with the language included in the Defense Authorization Act which we passed several months ago.

We are at a difficult moment in our history, as I mentioned.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. REED. I would be happy to yield for a question to my cosponsor, Senator NELSON.

Mr. NELSON of Florida. I appreciate the Senator offering this amendment and I just want to underscore with a question that the Senator's amendment will allow the research to go on as we intended in the Defense authorization bill but would not allow the development and the engineering where these weapons would be actually designed until such time as the executive branch would come back to the Congress to get approval to do that. Is that correct?

Mr. REED. That is absolutely correct. It reflects the value of the contribution the Senator from Florida made in the Defense authorization debate.

Mr. NELSON of Florida. I thank the Senator.

Mr. REED. There are some who have criticized any attempts at arms control as futile, as failures. That, I think, is a dangerous idea. I hope arms controls work because history seems to show that, without controlling arms, eventually they wind up being used, and when it comes to the issue of nuclear weapons, that is a great nightmare that has haunted all mankind since 1945.

Since that date, we have been successful in containing the use of nuclear weapons. It is because we took prudent steps to try to control the proliferation of nuclear weapons, the development of nuclear weapons. And at this juncture in history, to stand up and say arms control does not work not only misreads history but misses the point entirely. We have to make it work. Indeed, arms control has provided us at least some respite, some bit of breathing space, from the horrors of Hiroshima. That in itself is a success.

Today, particularly when we look at North Korea, I think we had all better hope fervently that arms control can work because without some type of arms control there, we will be in an extraordinarily precarious situation.

If we look at the situation in Iran, where the international arms control agency is trying to work with the Iranians, trying to get them to cooperate with the world community, that is an example of arms control in action. I hope—and I am sure I speak for everyone else—that that effort succeeds.

Time and again, when we have had serious situations, we have been able to use the norms established by international arms control agreements as leverage in a particular crisis. Arms control is not perfect, but without it we would be in a much more dangerous and much more devastating world environment.

This administration, however, has effectively turned its back on so many different initiatives: The repeal of the ABM Treaty, the failure to follow up the Comprehensive Test-Ban Treaty by sending it again to the Senate for a vote. This and so many other examples suggest that the administration has not effectively read the lessons of history. I believe they have the mistaken view that arms control will never work rather than trying to make it work, understanding it is not perfect but it is essential to our national security strategy.

My colleague and friend John Spratt stated it very well in an article in the March 2003 edition of Arms Control Today. In his words:

My greatest concern is that some in the administration and in the Congress seem to think that the United States can move the world in one direction while Washington moves in another, that we can continue to prevail on other countries not to develop nuclear weapons while we develop new tactical applications for such weapons and possibly resume nuclear testing.

Congressman SPRATT was very clear. In life, one really cannot have it both ways. I think this is an example of that. At one time, you cannot be trying to persuade, convince, and cajole other nations to abandon the development of nuclear weapons while you are blatantly going ahead and developing them yourself. The approach of the administration has been to attempt to get it both ways. It will be doomed to failure.

I would argue that rather than declaring the arms control movement dead, we have to give it renewed life. Indeed, we can point to successes in the past that should give us some comfort to know that if we work hard, if we work in a disciplined and dedicated way, we can use arms control to enhance our security—not exclusively depend, certainly, on arms control, but it has to be an important part of our repertoire.

In the early 1960s, when there were a few nuclear powers—the United States, Soviet Union, Britain, France, and China—there was a fear that within a decade or more, as President Kennedy expressed it, there would be at least 25 countries that developed nuclear weapons. What was feared did not come to pass because of effective, meaningful arms control exemplified in many respects by the nonproliferation treaty and other initiatives.

Deputy Secretary of State Richard Armitage has cited this record, indicating his support for continued efforts at arms control. In his words:

[I]nstead of the 25 or so countries that President Kennedy once predicted, only a handful of nations possess nuclear weapons. Of course we suspect many more countries have chemical or biological weapons, but still short of the scores that had been predicted in the past. We have reached this state of affairs in no small part through the concerted effort of many nations. Agreements, such as the nuclear nonproliferation treaty and the Chemical Weapons Convention, organizations such as the IAEA and the Nuclear Suppliers Group—these constitute a global security architecture that has served us satisfactorily and kept us safe.

But critics of arms control fail to acknowledge that Argentina and Brazil and South Korea and Taiwan ceased

their suspected nuclear programs in part because of the international norms represented by the nonproliferation treaty. Without these norms and without the United States exemplifying these norms, I don't think we would have the success we have had in these cases that I have cited.

Similarly, when the Soviet Union dissolved and the Newly Independent States of Belarus, Kazakhstan, and Ukraine found themselves with nuclear weapons, they voluntarily turned them in as a result of the norms established by the international arms control regimes. South Africa has also given up their nuclear weapons.

This is an example, not of perfect success but of success. If we begin to abide by our commitment to the nonproliferation treaty, to our commitments to reducing nuclear weapons rather than building new ones, we might be able to provide more leverage on countries such as India and Pakistan so that they would join the nonproliferation treaty and the Comprehensive Test-Ban Treaty. That is the kind of leadership we need at the moment. I hope we can get it.

As I mentioned before, we also are facing very serious problems with North Korea and Iran. I hope they can be resolved peacefully. But that peaceful resolution implies extending arms control agreements to these countries. So disparaging arms control is doing a great disservice to our national security and to our strategy.

The Bush administration has seemed bound since their first days in office to reverse 50 years of arms control activities, both by Republican and Democratic administrations. In December 2001, they published their Nuclear Posture Review.

This review was troubling in many respects. For the first time in history, this review suggested that we would use weapons, nuclear weapons, not simply to deter another nuclear power but to engage a nonnuclear power. The report essentially said that we would consider for the first time and be prepared to use nuclear weapons against nonnuclear nations that were nonaligned with a nuclear power—a tremendous reversal in our strategic outlook, blurring the distinction between conventional weapons and nuclear weapons, a distinction that since Hiroshima we on both sides of the aisle have endeavored mightily to maintain crystal clear. This blurring, this suggestion that we would use nuclear weapons in a first strike against nonnuclear powers, set the tone for other administration pronouncements.

Last November, a memo from then-Under Secretary of Defense for Acquisition, Technology and Logistics, Pete Aldridge, became public. The memo directed nuclear weapons laboratories to:

> . . . assess the technical risks associated with maintaining the U.S. arsenal without nuclear testing . . . [and suggested the] U.S. take another look at conducting small nuclear tests.

Following up to this memo, the President's budget for fiscal year 2004 included $24 million to reduce the time needed to prepare to conduct a nuclear weapons test from 2–3 years at present to 18 months—once again, a very sobering and ominous suggestion that we would begin to test nuclear weapons again; that we would abandon our efforts to assure the quality of our stockpile through nontesting means and that we would conduct tests.

If the United States of America begins again to conduct nuclear tests, I think that would be an open invitation to other countries, such as India and Pakistan, and perhaps powers undeclared as yet, to begin a nuclear testing program. It certainly would be good cover internationally.

The President's budget in 2004 also went on to request $22.8 million to accelerate the design and select a site for a new modern pit facility.

Plutonium pits are necessary components of nuclear weapons. We have not had the ability to build such pits since 1988. We do need a pit facility. But the proposal of the administration goes far beyond any conceivable needs, given the current situation. They want to create a facility that is capable of producing up to 500 pits per year. That would be 500 nuclear weapons per year. That is a rate that rivals anything in the cold war, and according to the administration, the cold war is over—except, I guess, when it comes to nuclear policy or at least nuclear design and production policy.

Then in addition to this development, the administration has been vigorously pressing for the design of a robust nuclear earth-penetrator to be used against hard and deeply buried targets. The RNEP would be a modification of an existing nuclear device, necessarily a very large nuclear device. It has been deemed a bunker buster. But, frankly, the kilotonnage or the tonnage of this RNEP is so large it would be a city buster, not a bunker buster. The kilotons of the weapons dropped on Hiroshima and Nagasaki were 14 and 21 kilotons, respectively, and this RNEP could be 71 times larger than the bomb dropped on Hiroshima. That is not a bunker buster. That is not a discrete weapon that could take the place of precision conventional weapons. Yet the administration is pressing forward.

Then this year the administration requested the repeal of the 1993 statutory ban on the research, development, and production of low-yield nuclear weapons and $6 million for funding for advanced nuclear weapons concepts.

Current law prohibits work, design, research with respect to weapons below 5 kilotons. The administration seeks to repeal this ban—strike it out—even though there is no military requirement for these small sized nuclear weapons.

When asked about this proposal, Ambassador Linton Brooks, the Acting Director of the National Nuclear Security Administration, stated before the Armed Services Committee:

> I have a bias in favor of something that is the minimum destruction. . . .that means I have a bias in favor of things that might be usable.

Here we have it. A history of 5 decades of trying to create a nuclear policy that dissuades the world from using nuclear weapons and we are trying to develop small nuclear weapons, which the scientists at this time say—the lab leaders say—are designed to be used. We have crossed a huge space between our policy of 5 decades and this newly emerging policy. We have moved from being the leader in arms control to being someone who treats arms control casually, if not flippantly. The irony, of course, is we stand to suffer the most. I hope we could reverse this trend.

I had hoped very much that the Feinstein-Kennedy amendment would be agreed to because I think that would have sent a strong signal and be a practical and pragmatic step. But now we have the opportunity to constrain the funds that are being expended for those preliminary research aspects of nuclear weapons development. As my colleague, Senator NELSON, said, it will give Congress a chance to decide, after more information, more debate, and more justification, whether it is in our national interest to proceed with the development, engineering, and deployment of a new class of nuclear weapons.

The amendment I offer today will allow the Department of Energy to use $22 million in funding that the President requested for advanced nuclear weapons concepts for research alone. The amendment would not allow money to be used for developing, testing, or deploying new nuclear weapons, or RNEP, which is a modification of an existing weapon.

This amendment would assure that the appropriations bill is consistent with the language that is included in the fiscal year 2004 Defense authorization bill. During that debate, an amendment that would require the Department of Energy to seek specific authorization and appropriations before proceeding with phases beyond research passed this body by a vote of 96 to 0. The Senate has clearly spoken on this issue. The amendment I offer today will ensure that the Department of Energy will comply with the wishes of Congress by returning to the Congress before beginning development, testing, production, and deployment of a new nuclear weapon or the RNEP.

I believe we should retain the prohibition on any research or development of low-yield nuclear weapons. But if that must change—if we must eliminate the threat-first amendment—I believe the research is all that is necessary at this time and that there should be a full and complete debate on any development funding for a system of nuclear weapons or the RNEP based upon research first.

The primary reason that the administration says it needs this money for advanced nuclear concepts is to, in their terms, ''train the next generation of nuclear weapons scientists and engineers.''

Ambassador Brooks, Director of the National Nuclear Security Administration, stated that research must be funded to ''remove the chilling effect on scientific inquiry that could hamper our ability to maintain and exercise our intellectual capabilities to respond to needs that one day might be articulated by the President.''

In July, Energy Secretary Abraham said: ''We are not planning any nuclear weapons at all.'' If research is the reason, if research is the justification, if we are planning no nuclear weapons, then this amendment provides the funding and the authority for the research.

This amendment is very clear about what is allowed. There are very distinct phases in the development of nuclear weapons. Since 1953, the Department of Defense and the Department of Energy have worked in a very formalized weapons development process. Indeed, the Atomic Energy Commission was one of the predecessors of the effort. And the Atomic Energy Commission was also involved in the formulation of the process.

My amendment would prohibit ''development engineering,'' which is the third phase. This is for new weapons development.

All of these phases would be authorized, and the funds could be expended for concept definition, feasibility study, design definition, and cost study. But you could not go into phase 3, development definition. It is clear and precise—allowing the research and allowing all that is necessary, according to both the rationale to train our scientists and also the affirmation by the Secretary of Energy that we were not planning to develop new nuclear weapons.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield.

Mr. REED. I am happy to yield.

Mr. DOMENICI. Did the Senator conclude amendment No. 1659 regarding the Energy Department's research on nuclear weapons?

Mr. REED. I did not. In the next few minutes I will complete my comments on the amendment.

Mr. DOMENICI. I wonder if the Senator might offer that amendment so I could give him my concurrence.

Mr. REED. The amendment has been offered. I think Senator LEVIN wants to speak. But the Senator's concurrence will be invited as soon as I conclude.

Mr. DOMENICI. Mr. President, on this side of the aisle, we accept the Reed-Levin-Kennedy-Feinstein amendment because it is current policy. It just repeats current policy unequivocably. This is what the policy of the country is. We did not change that in our bill. The Senator is most welcome to try to make it eminently clear what that current policy is. For that reason, we will accept it whenever it is ready to be accepted by the Senate.

Mr. REED. Mr. President, reclaiming my time, I thank the chairman for his kindness in accepting the amendment. The policy is included in the Defense authorization bill. But there is a debate ongoing about what the precise policy is. We want to at least set this limit with respect to the policy.

The chairman suggesting that it will be accepted will prompt me to quickly conclude my comments.

I note that my colleague from Michigan is here also seeking recognition.

We brought this measure to the Defense authorization debate. As was indicated in my discussion with Chairman DOMENICI, the Senate passed this provision overwhelmingly. This is now included in this appropriations bill. It is going to be an interesting conference because our colleagues in the House have stricken the money; that is the preference that I would suggest is the best approach. But short of that, this at least constrains the spending of the funds to the first three phases of research, which apparently, at least in my view, directly responds to the professed need for the funds, and it will also again support the statement of the Secretary of Energy that there is no plan to develop nuclear weapons.

In a letter to the Armed Services Committee, Admiral Ellis, the Commander of the Strategic Command, which command is responsible for all nuclear weapons, stated that:

> U.S. Strategic Command is interested in conducting rigorous studies of all new technologies examining the merits of precision, increased penetration, and reduced yields for our nuclear weapons.

Once again, this proposal corresponds to the request from our military leaders in what they are looking for today.

I hope that not only this amendment will be incorporated into this pending appropriations bill but that in conference we at least maintain this.

I again urge my colleagues to think hard again about the Kennedy-Feinstein proposal and the proposal that is already included in the House provisions. But today is an opportunity at least to slow down a rush to develop nuclear weapons which have no, or very limited, military requirements, and it would give us an opportunity as a Congress to debate the wisdom of our course of action.

Let me conclude by saying we have changed course dramatically. After 50 years of being the leading nation in the world arguing for arms control, arguing for sensible constraints in the development of nuclear weapons and limits on nuclear weapons, we have become a nation that is casual about our commitment to arms control, that denigrates it too often, and that course has left us with the only other option which is I think less appropriate. As I said initially, if there are no arms control, then there is a higher probability of arms usage. With nuclear weapons, that is a thought that no one wants to contemplate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend my friend from Rhode Island for his leadership in this area. It is critically important that we show some constraint—at least in funding of new nuclear weapons and modifications of existing nuclear weapons in order to make them more usable.

Appropriating funds, as this bill does, for research on a new nuclear weapon and research on a modification of existing weapons in order to make them more useful moves us in a dangerous new direction which marks a major shift in American policy. It is inconsistent with our longstanding commitment under the Nuclear Non-Proliferation Treaty to end the nuclear arms race. It undermines our argument to other countries around the world that they should not develop or test nuclear weapons. Unfortunately, the bill before us supports this dangerous new direction by putting funds into research of both the new weapon and modification of existing weapons to make them more usable.

At least the pending amendment of the Senator from Rhode Island puts an explicit constraint on the expenditure of that money. Why it is so important this language be included is that it makes explicit, before we can move to the developmental stage of these new weapons, there must be an explicit congressional vote. It cannot happen—this next stage, which we hope will never come—if the Reed language is adopted and maintained in conference, and if we were able to maintain similar language in conference in the authorization bill that development of these new weapons and modified weapons, to make them more usable, could not happen without an explicit action on the part of Congress.

That is not the current policy that there be an explicit authorization. It is not inconsistent with current policy that there be an explicit authorization before we approve development, but it is not the existing policy.

It is critically important that at least if we cannot stop this country from moving in a direction which is so totally inconsistent with what we are urging the rest of the world to do, at a minimum, we go as far as we can in expressing the determination of at least many of us that we move not at all, if possible, before we move that there be a formal vote on the part of Congress.

I do not understand how we can argue to other countries, with our heads high, that they should not move in a nuclear direction at the same time we are doing research on new nuclear weapons. We are telling others, do not go down that road. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are going to move recklessly down that

same road. We are following a policy that we do not tolerate in others.

The adoption of the Reed amendment would at least put some brake on the speed at which we are going down that road, and hopefully, before development is reached, before taking the next milestone on that road.

Appropriating funds for research in new nuclear weapons begins to take the United States in a dangerous new direction that marks a major shift in American policy, is inconsistent with our longstanding commitment under the Nuclear Nonproliferation Treaty to end the nuclear arms race, and undermines our argument to other countries around the world that they should not develop or test nuclear weapons. Unfortunately the bill now on the Senate floor would also support this dangerous new direction. But the pending amendment puts an explicit constraint on it.

Current U.S. law bans research and development of new nuclear weapons that could lead to their production. The specific weapons covered by the ban are so called low-yield nuclear weapons which have a nuclear explosive yield of 5 kilotons or less. Five kilotons is roughly a third the size of the nuclear bomb that was used at Hiroshima, which immediately killed an estimated 140,000 people and left many more injured.

The Bush administration asked that this ban be repealed. If the ban is repealed, the purpose is to make nuclear weapons more usable. As stated by Linton Brooks, the Administrator of the National Nuclear Security Administration in testimony before the Subcommittee on Strategic Forces of the Senate Armed Services Committee on April 8, 2003, ''I have a bias in favor of the lowest usable yield because I have the bias in favor of something that is the minimum destruction . . . I have a bias in favor of things that might be usable.''

The language approved by a majority of the Armed Services Committee and included in the Senate passed version of the Defense authorization bill would repeal this ban. Without this ban there is no impediment in law to research, development, testing, production, or deployment of new, low yield nuclear weapons. The bill before us would also support the repeal of this ban by appropriating $6 million to begin the research on new low-yield nuclear weapons, or for any other advanced new nuclear weapons concept.

The Defense authorization bill authorizes the National Nuclear Security Administration to continue work on a robust nuclear earth penetrator (RNEP). The Energy and Water bill would appropriate these funds.

This effort would modify one of two existing high-yield nuclear weapons to create a nuclear weapon that will penetrate rock. Both weapons being looked at for possible modification are high yield nuclear weapons with yields that are approximately 30 and 70 times the explosive power of the Hiroshima bomb. Without a requirement that the earth penetrator weapon be authorized by Congress, there is no legal impediment to its development, testing, production, or deployment.

At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development, when we strongly oppose North Korea's pulling out of the Nuclear Nonproliferation Treaty, when we are trying to prevent Iran from establishing a nuclear weapons program and when we are spending over a billion dollars to prevent the spread of nuclear weapons material and technology, these actions would send a terrible message. We are telling others not to go down the road to nuclear weapons. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road. In short, the United States is following a policy that we do not tolerate in others.

President Bush on June 18 stated that the United States will not tolerate a nuclear Iran. Similarly in May President Bush, in a joint statement with the President of South Korea, said he would not tolerate a North Korean nuclear weapon.

The leaked version of the Nuclear Posture Review identifies both North Korea and Iran as countries against which the United States should be prepared to use nuclear weapons. Clearly North Korea is the focus of the concern about hard and deeply buried targets and the desire to pursue the development of an RNEP.

At the same time that the United States is actively engaging in talks with North Korea to persuade them to give up their nuclear weapons program and urging the IAEA to ensure that Iran does not pursue a nuclear weapons program, we are beginning the process to develop new nuclear weapons. The Bush administration is taking action to ensure that there is a robust complex to build new nuclear weapons and an accelerated test readiness program to test them.

Where is the consistency in our actions? Having undertaken a preemptive war against an alleged imminent threat in the name of counter proliferation, can the United States effectively unite the world against Iran and North Korea's pursuance of nuclear weapons programs when the Bush administration appears to be on the verge of reversing a decades old nuclear policy and pursuing new tactical nuclear weapons? Weapons that, in the words of Linton Brooks, the Administrator of the National Security Administration, ''might be usable.''

The inconsistency of U.S. action was noted in a May 17 editorial in the Economist Magazine:

> . . . America would dangerously blur the line against nuclear use by anyone. That would make it more likely, not less, that America's own forces would eventually have nuclear weapons used against them too. Mr. Bush has said repeatedly, with reason, that he wants America to rely less on nuclear weapons for its future security, not more. In their determination to leave no weapons avenue unexplored, his advisors are proposing to lead America along a dangerous path. Time the president called a halt.

On July 17 of this year the New York Times also commented on the inconsistency between urging others to forego nuclear weapons development at a time when the United States is beginning to put in place all the elements of a new nuclear weapons program. Particularly a program whose goal appears to be to produce nuclear weapons that ''might be usable.''

The July 17 editorial cautioned:

> Nuclear bombs should not be casually reengineered for ordinary battlefield use at a time when countries like North Korea, Pakistan and India have added nuclear weapons to their arsenals and a chief objective of U.S. policy is to make sure these weapons are never used.

I urge the Bush administration to continue to work to persuade both North Korea and Iran to disavow nuclear weapons programs. Arms control still has a vital role to play. As Deputy Secretary of State Armitage said, in defense of the Nonproliferation Treaty, ''Agreements such as the Nonproliferation Treaty and the Chemical Weapons Convention, organizations such as the IAEA and the Nuclear Suppliers Group—these constitute a global security architecture that has served us satisfactorily and kept us sage.''

As Rose Gottemoeller, a former Assistant Secretary of Energy said:

> Other countries watch us like a hawk. They are very attentive to what we do in the nuclear arena. This is going to be considered another step in the tectonic shift. I think people abroad will interpret this as part of a really enthusiastic effort by the Bush administration to renuclearize. And I think definitely there's going to be an impetus to the development of nuclear weapons around the world.

Let us slow down and think about the road on which we are about to travel.

Senator REED, Senator KENNEDY, and I offer an amendment today to once again preserve Congress's role in any decision to move toward the design, engineering, testing, or deploying of any new nuclear weapon. And equally important, this amendment will require us to stop and think seriously before going down the road toward new nuclear weapons.

The amendment would require the Department of Energy to obtain a specific authorization from Congress before the Department could move to phase 3 or beyond in the nuclear weapons development process. Phase 3 is the engineering development phase, the point at which a concept would begin to be a new weapon.

The amendment would also apply to this same phase, the engineering development phase, in the process of modifying an existing weapon for a new military requirement. When the Department modifies an existing weapon the engineering development phase is the 6.3 phase. This amendment would apply to the 6.3 phase as well.

Language similar to this amendment passed the Senate 95–0 during the consideration of the Defense Authorization Act. There was no disagreement then, and should not be now, that Congress retain a central role in any decision to seek new nuclear weapons.

In 1994, Congress determined that the United States did not need to embark on a new nuclear weapons program, which would require nuclear weapons testing prior to being deployed, and banned research that could lead to production of new, low-yield, nuclear weapons. The current law is found at section 3136 of the Fiscal Year 1994 National Defense Authorization Act. It is commonly known as the Spratt-Furse provision.

The Senate passed version of the Fiscal Year 2004 National Defense Authorization Act repeals the current Spratt-Furse law, while the House-passed version of the Fiscal Year 2004 National Defense Authorization Act, modifies the current law. The House modification would allow the Department of Energy to conduct research on low yield nuclear weapons but not to begin the engineering design phase of the nuclear weapons process.

The conferees have been working for several months to resolve the many differences in the two versions of the Defense Authorization Act. One of the issues that the conferees have yet to resolve is the issue of the Spratt-Furse provision.

The conferees are discussing whether Spratt-Furse should be modified, as in the House-passed bill, or repealed, as in the Senate-passed bill, or whether both provisions could be dropped and the current law preserved. It is important to note that the Reed amendment is consistent with any of the possible outcomes in the defense authorization conference.

Whatever the outcome, the Reed amendment will ensure that Congress plays a role in future nuclear weapons decisions.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have nothing further to say about the amendment. We are ready to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1659) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I address Senators—and I am sure if Senator REID were here, he would concur—there is a real chance that we could finish this bill this evening. We have two windows. We have this window that lasts until 4:30 and then Senators have to be elsewhere. We understand that. Then there is a window from 6 to 7 when Senators could be here.

I am asking Senators, if you have amendments, bring them down and let's get them considered. We will move ahead as soon as Senator REID gets here with amendments that are getting checked and cleared to which there is no objection. We have quite a few of those. We would be very pleased if we heard from Senators, if your staff could tell us there were no more amendments. Then we could say we could finish from 6 to 7 p.m. this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator DOMENICI and I have worked during the lunch hour and up to now to clear some amendments.

AMENDMENTS NOS. 1646, AS MODIFIED; 1656, AS MODIFIED; 1681 THROUGH 1683, EN BLOC

Mr. President, I send five amendments to the desk, two of which—amendments Nos. 1646 and 1656—will be offered as modified, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1646, as modified, 1656, as modified, and 1681 through 1683, en bloc.

The amendments are as follows:

AMENDMENT NO. 1646, AS MODIFIED

(Purpose: To modify the provision relating to the Waikiki Beach project, Oahu, Hawaii)

On page 3, beginning on line 2, strike ''the continuation'' and all that follows through line 8 and insert ''preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized.''

AMENDMENT NO. 1656, AS MODIFIED

(Purpose: To authorize a wastewater infrastructure project for Coronado, California)

On page 31, between lines 7 and 8, insert the following:

SEC. 117. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 335) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

''(71) CORONADO, CALIFORNIA.—$10,000,000 may be authorized for wastewater infrastructure, Coronado, California.''.

AMENDMENT NO. 1681

On page 67, strike line 7 through line 11 and insert in lieu thereof:

''SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT.

''Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

''(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).'''

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

AMENDMENT NO. 1682

At the appropriate place, insert the following:

SEC. . Section 560(f) of Public Law 106–53 is amended by striking ''$5,000,000'' and inserting in lieu thereof ''7,500,000''.

AMENDMENT NO. 1683

(Purpose: To direct the Secretary of the Interior to conduct a water supply feasibility study for Tualatin River Basin, Oregon)

On page 42, between lines 5 and 6, insert the following:

SEC. 2___. TUALATIN RIVER BASIN, OREGON.

(a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) FEDERAL SHARE.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) ACTIVITIES.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

Mr. REID. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments No. 1646, as modified; No. 1656, as modified; Nos. 1681 through 1683 en bloc were agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1687, 1688, 1689, 1690, 1691, AND 1692 EN BLOC

Mr. DOMENICI. Mr. President, we have a package of amendments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. REID, proposes amendments numbered 1687 through 1692, en bloc.

Mr. DOMENICI. Mr. President, we have cleared these amendments. We have worked on them on both sides. They are acceptable. I understand the distinguished minority leader is willing to accept them; is that correct?

Mr. REID. Mr. President, that is true.

Mr. DOMENICI. Mr. President, we have nothing further.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT 1687

(Purpose: To authorize the Secretary of the Interior to extend, on an annual basis, the repayment schedule of certain debt to facilitate Indian water rights settlements in the State of Arizona, with an offset)

On page 34, line 6, strike ''$56,525,000'' and insert ''$54,425,000''.

On page 42, between lines 5 and 6, insert the following:

SEC. 2___. FACILITATION OF INDIAN WATER RIGHTS.

The Secretary of the Interior may extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to facilitate Indian water rights settlements in the State of Arizona.

AMENDMENT NO. 1688

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further,* That within funds provided herein, $500,000 may be used for completion of design and initiation of construction of the McCarran Ranch, NV, environmental restoration project

AMENDMENT NO. 1689

(Purpose: To set aside funding in connection with the harbor of Morehead City, North Carolina, for a project to disperse sand along Bogue Banks)

On page 16, line 12, before the period at the end, insert the following: '': *Provided further,* That the Secretary of the Army may use $3,000,000 of the funds provided under this heading to undertake, in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks''.

AMENDMENT NO. 1690

(Purpose: To provide for a transfer of funds to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah)

On page 2, line 18, after ''expended'' insert the following: '', of which $500,000, along with $500,000 of the unobligated balance of funds made available under this heading in the Energy and Water Appropriations Act, 2003, may be transferred to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah''.

AMENDMENT NO. 1691

(Purpose: To set aside funding for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon)

On page 15, line 8, strike ''facilities:'' and insert ''facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon:''.

AMENDMENT NO. 1692

(Purpose: To provide funds for use in carrying out Great Lakes remedial action plans and sediment remediation programs under the Water Resources Development Act of 1990)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading ''GENERAL INVESTIGATIONS'', not less than $1,500,000 may be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640).

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if I could have the attention of the distinguished chairman of the subcommittee, I think he would agree that we have spent all day working on this bill. It is an important bill with $27.3 billion in funding for some of the most important aspects this Government does.

We are now at a point where we are about to wrap this up. If there are Members who have amendments to offer, they should get over here within the next 40 minutes. If they are not here by then, we will assume there are no other amendments to be offered. We have other work that we need to do. There are negotiations going on on some amendments. Other than that, we are arriving at a point where we will move forward.

I have several amendments that I would like to send to the desk en bloc. I note that there are a number of amendments—in fact, two—in order, Nos. 1652 and 1660, which will be as modified.

We are so efficient that we are trying to agree to them twice. I don't think that is necessary. These have already been cleared.

I withdraw my request.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under ''Morning Business.'')

Mr. LAUTENBERG. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1650, AS MODIFIED; 1653, AS MODIFIED; 1658, AS MODIFIED; 1669, AS MODIFIED; 1675, AS MODIFIED; 1679; 1685; AND 1696 THROUGH 1721, EN BLOC

Mr. REID. Mr. President, I send a series of amendments to the desk that have been cleared on both sides and ask for their consideration.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DOMENICI, proposes amendments numbered 1650, as modified; 1653, as modified; 1658, as modified; 1669, as modified; 1675, as modified; 1679; 1685; and 1696 through 1721, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the amendments be agreed to, en bloc. They have been cleared with my distinguished chairman.

Mr. DOMENICI. Mr. President, we have reviewed these one by one over the afternoon and they are all acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendments are agreed to, en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To direct the Secretary of the Army to implement the project for ecosystem restoration, Gwynns Falls, Maryland)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.

The Secretary of the Army may implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the city of Baltimore, Maryland.

AMENDMENT NO. 1653, AS MODIFIED

(Purpose: To set aside funding for dredging and other operation and maintenance of the Umpqua River, Oregon)

On page 15, line 8, strike ''facilities:'' and insert ''facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Umpqua River, Oregon:''.

AMENDMENT NO. 1658, AS MODIFIED

(Purpose: To set aside funds for the Navajo electrification demonstration program)

On page 42, line 20, strike the period at the end and insert '', of which $3,000,000 may be available for the Navajo electrification demonstration program under section 602 of Public Law 106–511 (114 Stat. 2376).''

AMENDMENT NO. 1669, AS MODIFIED

(Purpose: To authorize the Secretary of the Army to carry out a joint project with Asotin County, Washington to construct a Snake River Confluence Interpretative Center near Clarkston, Washington)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the ''Secretary'') is authorized and may carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

AMENDMENT NO. 1675, AS MODIFIED

(Purpose: To authorize the Secretary to remove oil bollards in Burlington Harbor, VT)

After section 104, insert the following:

''The Secretary is authorized and may design, remove and dispose of oil bollards and associated debris in Burlington Harbor, VT, at full Federal expense.''

AMENDMENT NO. 1679

(Purpose: To provide for a report on administrative expenditures of the Secretary of Energy for the Energy Employees Occupational Illness Compensation Act)

On page 63, between lines 2 and 3 insert the following:

SEC. 3___. REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT.

Not later 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

AMENDMENT NO. 1685

(Purpose: To direct the Secretary of the Army to complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio.

AMENDMENT NO. 1696

(Purpose: To increase the authorization of appropriations for the provision of environmental assistance for the State of Mississippi)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___.

Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking ''$25,000,000 for the period beginning with fiscal year 2000'' and inserting ''$100,000,000''.

AMENDMENT NO. 1697

(Purpose: To provide that the funds made available for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable)

On page 54, line 19, before the period at the end, insert the following: '': PROVIDED FURTHER, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable''.

AMENDMENT NO. 1698

At the appropriate place, insert the following:

SEC. . Of the funds made available under Operation and Maintenance, General, an additional $500,000 may be made available to the Recreation Management Support Program to work with the International Mountain Bicycling Association to design, build, and maintain trails at Corps of Engineers projects.

AMENDMENT NO. 1699

(Purpose: To modify the project for flood control, Park River, Grafton, North Dakota)

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. PARK RIVER, GRAFTON, NORTH DAKOTA.

Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking ''$18,265,000'' and inserting ''$21,075,000''; and

(2) by striking ''$9,835,000'' and inserting ''$7,025,000''.

AMENDMENT NO. 1700

(Purpose: To direct the Western Area Power Administration to provide electrical power supply and delivery assistance to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit)

On page 54, line 19, before the period, insert the following: '': *Provided further,* That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit''.

AMENDMENT NO. 1701

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further,* That within funds provided therein, $100,000 may be used for initiation of feasibility studies to address erosion along Bayou Teche, LA within the Chitimacha Reservation

AMENDMENT NO. 1702

(Purpose: To provide a definition of rural Utah for the purposes of the environmental assistance program)

On page 28, strike lines 13 through 25 and insert the following:

SEC. 115. Section 595 of the Water Resources Development Act of 1999 (113 Stat.383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through ''means—'' and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) RURAL NEVADA.—The term 'rural Nevada' means''; and

(C) by adding at the end the following:

''(2) RURAL UTAH.—The term 'rural Utah' means—

''(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

''(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.'';

(3) in subsections (b) and (c), by striking ''Nevada, Montana, and Idaho'' and inserting ''Idaho, Montana, rural Nevada, New Mexico, and rural Utah''; and

(4) in subsection (h), by striking ''2001—'' and all that follows and inserting ''2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.''.

At the appropriate place, insert the following:

SEC. . Of the funds made available under Construction, General, $1,500,000 may be made available work to be carried out under Section 560 of the Water Resources Development Act of 1999 (Public Law 106–53).

AMENDMENT NO. 1704

(Purpose: To set aside funding for a defense and security research center)

On page 44, line 14, before the period at the end, insert '', of which $3,000,000 may be available for a defense and security research center''.

AMENDMENT NO. 1705

(Purpose: To require the Secretary of the Interior and the Secretary of Energy to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States)

On page 34, line 10, strike the period at the end and insert ": *Provided further,* That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

On page 47, line 12, strike the period at the end and insert ": *Provided further,* That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.".

AMENDMENT NO. 1706

On page 41, line 5, strike "655" and insert in lieu thereof "566".

AMENDMENT NO. 1707

On page 28, line 1 strike "105–227" and insert in lieu thereof "105–277".

AMENDMENT NO. 1708

(Purpose: To provide funding to preserve Department of Energy historical sites and other aspects of the history of its programs)

On page 48, line 8, after the word "expended:" insert the following:

"*Provided,* That the Secretary of Energy may use $1,000,000 of available funds to preserve historical sites associated with, and other aspects of the history of, the Manhattan Project"

AMENDMENT NO. 1709

(Purpose: To set aside funding for the Administration's Clean Energy Technology Exports Initiative)

On page 42, line 20, before the period at the end, insert ", of which $400,000 may be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative".

AMENDMENT NO. 1710

(Purpose: To limit the availability of funds for the Advanced Concepts Initiative of the National Nuclear Security Administration pending a report on activities under the initiative)

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1711

(Purpose: To set aside funding for the Great Lakes fishery and ecosystem restoration program)

On page 13, line 21, before the period at the end, insert the following: ": *Provided further,* That the Secretary of the Army may use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program".

AMENDMENT NO. 1712

At the appropriate place on page 42, after section 211, insert the following:

"SEC. XX. RESTORATION OF FISH AND WILDLIFE HABITAT AND PROVISION OF BOTTLED WATER FOR FALLON SCHOOLCHILDREN.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 101–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) notwithstanding sec. 2507(b) of P.L. 101–171, provide $2.5 million to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture.

(2) provide $100,000 to Families in Search of Truth, Fallon, NV for the purchase of bottled water for schoolchildren in Fallon-area schools.

(b) LIMITATION.—The funds specified to be provided in (a)(1) shall only be provided by the Bureau of Reclamation when the title to Carson Lake and Pasture is conveyed to the State of Nevada; the waiver of sec. 2507(b) of P.L. 101–171 shall only apply to water purchases for Carson Lake and Pasture.

(c) ADMINISTRATION.—The Secretary of Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and sec. 2507 of P.L. 101–171.

AMENDMENT NO. 1713

(Purpose: To direct the Secretary of the Army to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania)

At the appropriate place, insert the following:

SEC. . SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA.

The Secretary of the Army may provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3785), as contained in the May 2000 report of the Philadelphia District based on regional economic development benefits, at a Federal share of 50 percent and a non-Federal share of 50 percent.

AMENDMENT NO. 1714

(Purpose: To direct the Secretary of the Interior to lease certain public lands in Wyoming)

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . MARTIN'S COVE LEASE.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term "Bureau of Land Management", hereafter referred to as the "BLM", means an agency of the Department of the Interior.

(2) CORPORATION.—The term "Corporation" means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term "Martin's Cove" means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC–001.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary may enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC–001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environment and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridegment, modification, termination, or other taking in the event any

surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Cove.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the leasehold, provided that the leased lands shall be withdrawn from all forms of entry, appropriations, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

AMENDMENT NO. 1715

(Purpose: To appropriate funds to develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay)

: *Provided*, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. During preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement. Notwithstanding the cost sharing provisions of Section 510(d) of the Water Resources Development Act of 1996, 110 Stat. 3760, the preparation of the environmental impact statement shall be cost shared 50% Federal and 50% non-Federal, for an estimated cost of $2,000,000. The non-Federal sponsors' may meet their 50% matching cost share through in-kind services, provided that the Secretary determines that work performed by the non-Federal sponsors is reasonable, allowable, allocable, and integral to the development of the environmental impact statement.

AMENDMENT NO. 1716

On page 14, line 26, strike ''$1,949,000,000'' and insert in lieu thereof ''2,014,000,000''.

AMENDMENT NO. 1717

On page 42, at the end of line 20 insert:

: *Provided*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office may require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

AMENDMENT NO. 1718

(Purpose: To provide additional funding for the project for Passaic River Steambank Restoration, Minish Park, New Jersey, with an offset)

On page 10, line 9, strike ''That'' and all that follows through line 12 and insert the following: ''That the Secretary of the Army, acting through the Chief of Engineers, may use $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further*, That the Secretary of the Army,''

AMENDMENT NO. 1719

(Purpose: To require the Secretary of Labor to provide technical and managerial assistance to the Secretary of Energy to carry out claims-related activities under the Energy Employees Occupational Illness Compensation Program Act 2000)

At the appropriate place, insert the following:

SEC. ____. (a) MEMORANDUM OF AGREEMENT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the ''MOA'') under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) REQUIREMENT.—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

(c) PROCUREMENT OF SERVICES.—The Secretary of Labor may procure temporary services in carrying out the duties of the Secretary under the MOA.

(d) DUTIES OF SECRETARY OF ENERGY.—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

(2) subject to the availability of appropriations, transfer funds pursuant to requests by the Secretary of Labor.

(e) SUBMISSION TO CONGRESS.—The MOA entered into under subsection (a) shall be submitted to the appropriate committees of Congress and made available to the general public in both printed and electronic forms.

AMENDMENT NO. 1720

(Purpose: To prohibit the use of funds for the Great Lakes Sediment Transport Models)

On page 15, line 16, after ''2004'' insert the following: '': *Provided further*, That none of the funds appropriated under this heading may be used for the Great Lakes Sediment Transport Models''.

AMENDMENT NO. 1721

(Purpose: To reinstate and transfer a hydroelectric license to permit redevelopment of a hydroelectric project in the State of New York, and for other purposes)

On page 63, between lines 2 and 3 insert the following:

SEC. 3___. REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696.

(a) DEFINITIONS.—

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) TOWN.—The term ''town'' means the town of Stuyvesant, New York, the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

Mr. REID. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1650, AS MODIFIED

Mr. SARBANES. Mr. President, the purpose of this amendment is to ensure that the Army Corps of Engineers meets its responsibilities to the restoration of the Baltimore metropolitan area ecosystem restoration project. The amendment authorizes and directs the Corps to implement the project in accordance with the Baltimore Metropolitan Water Resources—Gwynns Falls Feasibility Report, prepared by the Army Corps of Engineers and the city of Baltimore.

For 10 years, the U.S. Army Corps of Engineers has been studying water resource problems in the Baltimore metropolitan area. In 1994, the Baltimore District completed a reconnaissance report which concluded that there has been extensive degradation to the marine, aquatic, wetland, riparian and terrestrial habitats in the Baltimore metropolitan area. Over the years, rapid growth of the area, filling of wetlands, and previous construction of Federal works to meet flood control and navigation needs, among other things, have contributed to the degradation of the streams that drain the Baltimore basin. The report identified a Federal interest in restoring the ecosystem of six watersheds, with the Gwynns Falls watershed selected first for further study.

The city of Baltimore agreed to share with the Corps in the cost of the next phase of the study process—a $1.6 million feasibility study. During the course of that more detailed study, the Corps found that there was a significant loss of stream water and groundwater into sewers located in the stream channels and, in order to restore the Gwynns Falls ecosystem and more than 2 million gallons of water per day to the watershed, the cracks in these sewers must be repaired. In December 2001, Corps Headquarters agreed that the sewer line rehabilitation work was integral to—and should be included in—the ecosystem restoration project and was within the Corps' environmental restoration authority. In fact, the Corps found that it was far less expensive to line the sewers and seal the manholes than undertake other alternatives such as channel lining and artificial watering. The draft Baltimore Metropolitan Water Resources Gwynns Falls Watershed Feasibility Report, completed in January 2002, recommended sewer system rehabilitation as a key part of the environmental restoration projects for Gwynns Falls. It was anticipated at that time, that the feasibility report would be completed by May 2002 and the project would be authorized for construction in the Water Resources Development Act of 2002.

In 2001, the city of Baltimore and EPA began the process of negotiating a consent decree to address the city's collection system overflow problem which was polluting area streams and waterways in violation of the Clean Water Act. Baltimore signed the consent decree with EPA in April 2002 making the city legally responsible for approximately $900 million in sewer infrastructure improvements throughout the city, including fixing the sewer system in the Gwynns Falls watershed by the year 2007. The city did so with the understanding that the Corps would share in the approximately $13 million cost of sewer rehabilitation in this area.

Months went by and no action was taken on the feasibility report until April 2003, when the Office of the Assistant Secretary of the Army effectively reneged on the agreement to participate in this project. Although the office, once again, concurred that the sewer work was integral to the ecosystem restoration project, it claimed that the sewer rehabilitation portion of the recommended project was now the legal responsibility of the city—because it signed the consent decree—and therefore it was inappropriate for the Federal Government to cost-share in this part of the project. Despite having acted in good faith to comply with Federal law and participating for years in studies with the Army Corps of Engineers with the intended purpose of improving the urban ecosystem in this area, the city of Baltimore is now being penalized for signing this consent decree. Throughout this process, the city was never appraised by the Corps that, if it signed the consent degree, the Corps would not be able to share in the cost of this project. Now Baltimore is left with the prospect of either attempting to remove the Gwynns Falls project from the consent decree—an uncertain prospect at best—or somehow overcoming a Corps planning guidance document. That is what we are seeking to do with this amendment.

It is important to point out that there is no other instance that we have been able to identify in Federal law or regulation, that prohibits a municipality from using Federal funds or programs to help achieve compliance with a consent decree. Indeed, a number of cities have used the Clean Water State Revolving Fund or EPA State and Tribal Assistance Grants for this purpose. There is no logical reason that the Corps of Engineers' program should not follow suit.

Why offer the amendment to this measure? First of all, it does not appear that the Senate will consider a Water Resources Development Act this year. Second, time is running out for the city of Baltimore. In order to meet the 2007 consent decree deadline and to avoid future penalties for sewage discharges, the city must begin design and construction of the Gwynns Falls project shortly.

This amendment simply directs the Secretary to implement the project in accordance with the original plans in the Gwynns Falls Feasibility Study.

AMENDMENT NO. 1709

Mr. BYRD. Mr. President, I have strongly supported efforts to advance opportunities to open markets abroad to an array of clean energy technologies. At my urging, the Bush administration, in October 2002, released the Clean Energy Technology Exports, CETE, strategy. This action plan outlined a 5-year, nine-agency initiative that is intended to ''increase U.S. clean energy technology exports to international markets through increased coordination among Federal agency programs and between these programs and the private sector.'' The CETE directive is geared at helping to address three major challenges in global energy policy: increased U.S. competition in developing country markets; environmental sustainability, including climate change; and energy security.

Even though the participating Federal agency partners released this strategic plan last year, no funding has been identified by any of the agencies to implement the CETE strategy. All too often, this is the case with multi-agency initiatives that do not have the explicit support of the administration, and I fear that, once again, this is the case. At this point, little, if anything new, is being done by this administration to promote clean energy technologies overseas.

My amendment is a small step that is intended to get the ball rolling by establishing an administrative center. A truly effective program of this magnitude deserves significantly more attention and funding, and the U.S. is missing a huge opportunity to capture a greater share of global clean energy technology markets. However, we must start somewhere, and my amendment is a practical one. If the CETE strategic plan is going to be successful, then such an initiative requires a focal point—a one-stop-shop, so to speak—to allow industries and organizations with interests to more effectively access the services of the Federal Government.

Thus, my amendment provides $400,000 in funding for the Office of International Market Development within the Department of Energy to help carry out the task. While this center is to be physically housed at the Department of Energy, DOE, the center's mission is to help carry out the multi-agency CETE strategy. I also strongly urge all participating agencies such as the Department of Commerce, U.S. Agency for International Development, and others to contribute staff and other appropriate resources to get this center up and running.

This is just a start on a long overdue Federal initiative. But, if we are serious about addressing the immense global energy and environmental challenges that we commonly share with other nations, this initiative must get much greater attention and far more support from this administration.

AMENDMENT NO. 1715

Mr. SARBANES. Mr. President, I am pleased to join with Senator WARNER in offering this amendment directing the Secretary of the Army to develop an environmental impact statement, EIS,

to evaluate the risks and benefits of introducing non-native oysters in Chesapeake Bay.

The Chesapeake Bay was once the largest producer of oysters in the world, providing some 20 million bushels annually at the turn of the century. The once abundant oyster populations not only sustained an important part of our economy, providing jobs for thousands of oystermen and others in the seafood and maritime industries, but served as filters, cleaning the entire volume of the Bay's waters every three to six days and provided habitat and sustenance for many of the Bay's living resources. Today, the Bay's oyster population is only one percent of what it was a century ago—the victim of the deadly diseases MSX and Dermo as well as over-harvesting and the loss of habitat. Maryland's watermen and the oyster industry are being threatened with economic extinction and scientists estimate that it now takes the current population of oysters nearly a year to filter the Bay's waters.

In 1999, scientific experts from Maryland and Virginia reached a consensus on how to restore oysters which contained two essential components—the construction of three-dimensional oyster reefs and the establishment of permanent reef sanctuaries—to create habitat and provide for the growth and increased fecundity of oyster populations. This approach was embraced in the Chesapeake 2000 Bay Agreement which set an ambitious goal of increasing oyster abundance by tenfold by the year 2010. Over the past three years, our Chesapeake Bay area Congressional Delegation has worked closely together to secure the necessary authorizations and appropriations of approximately $5 million a year through the U.S. Army Corps of Engineers and NOAA to help the States of Maryland and Virginia implement this strategy. Indeed, we are delighted that the Senate energy and water appropriations bill, which we are considering today, provides $4.5 million an increase of $1.5 million over the fiscal 2003 level and President's budget request to continue this effort. By restoring the physical oyster habitat, creating new oyster reefs and planting disease-free oysters on these reefs, it is our hope that this project will increase native oyster populations and ultimately help to ensure the economic and environmental revival of the Bay.

In order to expedite the process of repopulating oysters in Chesapeake Bay, officials in Maryland and Virginia have recently proposed introducing a non-native Asian oyster, *Crassostrea ariakensis*, which is quick growing and more disease resistant into the Bay. However, because of differing opinions about the risks and benefits involved, the Chesapeake Bay Commission a tri-state legislative commission—requested that the National Academies of Science National Research Council, NRC, undertake a study of the pros and cons of introducing this non-native species. On August 14, 2003, the National Research Council released this report entitled ''Non-native Oysters in Chesapeake Bay'' which concluded that introducing a reproductive population of the Asian oyster, *Crassostrea ariakensis*, in Chesapeake Bay should be delayed until more is known about the potential environmental risks.

The NRC report found that ''[I]t is not possible to predict if a controlled introduction of reproductive *C. ariakensis* will improve, further degrade, or have no impact on either the oyster fishery or the ecology of the Chesapeake Bay.'' The report recommended contained aquaculture of sterile *C. ariakensis* as an ''interim action that provides an opportunity for researchers to obtain critical biological and ecological information on the non-native oyster required for risk assessment.'' It included detailed recommendations for biological, ecological, and socio-economic research that should be conducted to better inform public decisionmaking about the Asian oyster.

In a letter dated July 22, 2003, to the U.S. Army Corps of Engineers the Secretaries of the Virginia and Maryland Departments of Natural Resources requested that the Corps coordinate development of an environmental impact statement to evaluate the States' proposal to introduce reproductively capable Asian oysters in the waters of Chesapeake Bay. The Corps responded that it cannot initiate an EIS unless specifically authorized and funded by Congress to do so. This is what our amendment seeks to accomplish. The amendment provides $200,000 in Federal funds to initiate the study, which must be matched by the States. It further directs the Secretary to establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, it directs the Secretary to consider the findings and recommendations of the National Academy of Sciences in the preparation of the environmental impact statement.

I urge adoption of the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to our fellow Senators, we are finished with the exception of a colloquy or two, which are going to be ready shortly. However, we have been informed that Senator JOHN MCCAIN of Arizona desires to offer an amendment relative to a provision in the bill. We are trying to contact him to let him know we are finished but for his amendment. If we can get him here—and we are going to try our best—we will ask him to offer his amendment. We will vote on it and then vote on final passage and we will be finished, which means that, on the request of our leader that we be finished by 7 o'clock tonight, we should do that easily, if we can find the Senator and start that process.

Mr. REID. Mr. President, will the distinguished chairman allow me to speak?

Mr. DOMENICI. I would be pleased to.

Mr. REID. Mr. President, I ask unanimous consent that there be no other amendments in order except those cleared by the two managers of the bill; and the Senator from Arizona is going to offer an amendment. I ask unanimous consent that those be the only amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object—and I will not—I just want to say I agree because we have been telling the Senate that for a number of hours today, and now the time has come. We want to finish tonight, and there should not be any other amendments. They should have brought them here, if they have them. So I think the consent request is well taken. It should be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent to speak as in morning business for the time I shall need. If any other pending business comes up, I will gladly step aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BURNS are printed in today's RECORD under ''Morning Business.'')

LOS ANGELES RIVER REVITALIZATION

Mrs. BOXER. Mr. President, I would like to engage in a colloquy with the distinguished Senator from Nevada, Senator REID, the ranking member of the Energy and Water Appropriations Subcommittee.

I want to thank Senators DOMENICI and REID for their hard work in developing this legislation. In particular, I appreciate the attention that they have given to the infrastructure needs of California, as well as to the overall importance of this bill for those of us representing western States.

Los Angeles, the largest metropolitan area in the western United States, faces many challenges. Local community leaders are working hard to revitalize the areas surrounding the Los

Angeles River. The river, reinforced with concrete to provide flood control benefits, runs 51 miles through much of urban Los Angeles.

Both the Senate and House of Representatives include funding in the Energy and Water Appropriations bills for operation and maintenance of the Los Angeles County Drainage Area project. However, the House Appropriations Committee also included language directing $2 million of additional funding to be used to ''support Corps of Engineers assistance in local activities to revitalize the project areas for public safety, environmental restoration, recreation, aesthetics, community improvement, and related purposes.''

This additional funding would provide essential support for local leaders and community stakeholders, working in conjunction with the Army Corps of Engineers, to move forward with this critical project. I urge the Senate conferees to agree with the House funding level for this project.

I know how much the Senator from Nevada cares about improving our communities and protecting our precious natural resources. This project works toward achieving both of these important goals.

Mr. REID. I agree with the Senator from California that our communities need the tools and resources to develop infrastructure projects that revitalize the environment, as well as the economy. I also agree that the project described by Senator BOXER has the potential to offer many benefits to the Los Angeles area and I will work to support this in conference.

Mrs. BOXER. I thank the Senator for his support.

DWORSHAK RESERVOIR

Mr. CRAPO. Mr. President, I want to express my appreciation for your efforts, and those of the subcommittee ranking member, Senator REID, in working with Senator CRAIG and me to support the important work of the U.S. Corps of Engineers in the Clearwater River Valley to mitigate damages caused by fluctuating levels in the Dworshak Reservoir.

As my colleagues know, the challenges of responding to the riverine needs of endangered salmon have been an enormous strain on the communities of the Pacific Northwest. We all share the commitment to restore Pacific Northwest salmon. This is a national interest. However, the efforts to restore the runs have a disproportionate and direct impact in communities in Idaho and the Pacific Northwest.

The town of Orofino in the Clearwater River Valley of Idaho is just such a community. The town sits at the base of the Dworshak Reservoir, which is capped by a Corps-managed dam. The Corps periodically uses water from Dworshak Reservoir to help adjust temperatures in the downstream rivers when salmon are making their runs to and from the ocean.

When spills are required, the levels of Dworshak Reservoir fall. Sometimes, this can amount to drops of approximately 90 feet. A 90-foot drop is catastrophic to recreational opportunities provided by the reservoir. Boat docks and trailer ramps no longer reach the water, beaches dangle precariously above the waterline, and muddy banks exposed for as far as the eye can see.

The Corps has offered its help in mitigating the economic hardships caused by its actions in periodic reductions in reservoir water levels. I applaud that offer. I also commend Senator DOMENICI and Senator REID for providing the extra resources in the operations and maintenance account for the Dworshak Reservoir in this legislation to accommodate those mitigation efforts. I yield to the distinguished chairman to elaborate on that point.

Mr. DOMENICI. I want to echo the comments of the Senator about the importance of these resources. We have provided an additional $1 million above the President's request for the O&M function for this specific economic mitigation commitment for the community. It is the committee's intent that the Corps should use these resources to help address the recreational needs of the Clearwater River Valley community resulting from the alterations of the water level in the reservoir.

I believe the senior senator from Idaho, and a member of the subcommittee, also would like to be heard on this point.

Mr. CRAIG. I echo the words of my colleague from Idaho on the importance of this enhanced funding. Few areas in the Pacific Northwest suffer more directly or as clearly by the changing needs of migrating salmon.

I have been to Orofino and surrounding communities several times and have noted the rise and fall in fortunes of the nearby towns in accordance with the levels of water in the reservoir. As the Nation continues to press on this and other Pacific Northwest communities to take steps to revive protected salmon species, the Nation should also assist towns disproportionately affected by that national call to action. I appreciate the committee chairman securing these resources to recognize that commitment.

It is my understanding that it is the committee's intention that these resources are provided to the Corps to be spent in the community in a manner that helps restore the economic base of the surrounding towns. These activities would include environmental measures and the establishment of a functional large boat moorage. Is this correct?

Mr. DOMENICI. That is the committee's intention, and I appreciate your commitment to this important provision. I also appreciate Senator CRAPO's desire in helping to clarify these issues so that the needs of the Clearwater River Valley communities can be effectively addressed. I yield back to Senator CRAPO.

Mr. CRAPO. I thank the chairman, and I yield back the floor.

SECTION 104

Mr. JEFFORDS. I have some concerns with the language in section 104. These are, I believe, technical concerns. My understanding is that the Corps of Engineers, in order to more effectively manage their resources, is interested in having continuing contract authority for congressionally authorized water resource studies. I have no problem with that, but I am not sure that the language is correct in 104.

Mr. REID. That is my understanding as well, and I believe that we need to work together and with the Corps to draft language that is exactly correct. I will work with the Senator from Vermont to make the necessary changes in conference.

Mr. DOMENICI. I will also work with my colleagues to make the necessary changes, as I do not believe there is a substantive disagreement.

Mr. JEFFORDS. I thank my colleagues for their cooperation, and I look forward to working on this language in conference.

HIGH-LEVEL WASTE CLEANUP

Mr. COCHRAN. Mr. President, Chairman DOMENICI knows I have been concerned about DOE's high-level waste cleanup program from its inception. Shortly after our committee concluded action on the bill, the GAO issued a report, entitled, ''Challenges to Achieving Potential Savings in DOE's High-Level Waste Cleanup Program.'' In light of the language in our committee report on the program, the GAO provides a valuable and timely perspective on the nuclear waste clean-up program and confirms many of my concerns, as well as those expressed by our committee during our hearings.

Mr. President, as stated in our committee's report:

> The Committee notes with concern the recent notification by the Department that the Hanford Waste Treatment Plant, Richland, Washington, construction project baseline would increase from $4,350,000,000 to $5,781,000,000, an increase of over $1,400,000,000. The relative lack of outrage over a baseline change of that magnitude speaks volumes about what the Congress and public have come to expect from the Department's clean-up program. The tank waste treatment project has a long and sordid history that indicates both the magnitude of the task before the Department, as well as the Department's historic combination of overly optimistic cost estimates coupled with consistent project mismanagement. The Committee notes its concern in the demonstrated pattern of Departmental officials announcing reform of some aspect of the clean-up program, only to depart and be replaced by a new set of officials coming before the Committee to describe dramatic cost overruns on the project baselines promised by their predecessors, and claiming no responsibility for the assumptions underlying those previous commitments.
>
> The Department is now into the second year of entering into new acceleration and reform agreements consistent with the policy conclusions of the Secretary's 2001 top-to-bottom review of the environmental clean-up program. The efforts is commendable in its success in focusing the Department and its stakeholders on the importance

of completing clean-up activities decades earlier than planned. The acceleration agreements entered into at the various clean-up sites have allowed the Department to book huge paper out-year savings and acceleration of completion dates. For example, the Department is claiming savings of $12,000,000,000 and 20 years at the Savannah River Site, South Carolina; $30,000,000,000 and 35 years at Hanford, Washington; $2,000,000,000 and 6 years at Oak Ridge, Tennessee; and $19,000,000,000 and 35 years at Idaho. In many cases the savings are based on assumed changes in law, yet-to-be reformed regulatory environments, contractor savings, and other highly optimistic assumptions. The Department has had its successes, most notably Rocky Flats, Colorado, and should be commended. But even with such highlights, the weight of the historical record leaves the Committee to question who will be around in the future (other than the taxpayers) when these estimated cost savings will inevitably be revised.

Mr. President, I respect Secretary Roberson's efforts to encourage innovation in the program. Last February, she proposed a new initiative aimed at accelerating cleanup at DOE's sites and focusing on more rapid reduction of the considerable environmental risks. She projects this will cut years off the program and produce $63 billion in savings.

Now that GAO has issued its first report on the acceleration initiative, I hope the chairman will join me in examining their findings and recommendations and identifying actions that we may recommend to the conference.

Mr. DOMENICI. The Senator has my assurance that GAO's report and recommendations will be carefully analyzed and that I will work with him to ensure that they are considered as we work toward conference.

Mr. COCHRAN. I thank the chairman and urge that he give special attention to the following GAO recommendation:

DOE's accelerated cleanup initiative should mark the beginning, not the end, of DOE's efforts to identify other opportunities to improve the program by accomplishing the work more quickly, more effectively, or at less cost. As DOE continues to pursue other management improvements, it should reassess certain aspects of its current management approach, including the quality of the analysis underlying key decisions, the adequacy of its approach to incorporating new technologies into projects, and the merits of a fast-track approach to designing and building complex nuclear facilities. Although the challenges are great, the opportunities for program improvements are even greater. Therefore, DOE must continue its efforts to clean up its high-level waste while demonstrating tangible, measurable program improvements.

This recommendation underscores my view that DOE should continue to develop and test new technologies, which may have the potential to provide price and schedule savings. Since 1996, our committee has recommended that DOE investigate alternative melting technologies, including the advanced vitrification system, to back-up the baseline system. These recommendations came from the National Academy of Sciences and from DOE's own sponsored studies.

Pursuing backup systems has always made sense. As GAO points out, the risks inherent in the chemical composition of the tanks require a backup approach as insurance. As our committee report explains, ''the weight of the historical record'' often requires us to ask ''who will be around in the future (other than the taxpayers) when these estimated cost savings will inevitably be revised.''

Mr. DOMENICI. I share the Senator's concerns and will inquire about GAO findings and will join you in urging the Department to give priority to developing technologies that are different from the baseline system and could provide an insurance policy.

Mr. COCHRAN. Mr. President, I appreciate the Senator's response and request his efforts in conference to encourage DOE to evaluate and demonstrate backup technologies that have shown potential to provide cost and schedule savings in the program.

Mr. DOMENICI. I appreciate the Senator raising these issues, and I urge the Department to carefully consider his thoughtful comments and recommendations.

Mr. COCHRAN. I thank the chairman and appreciate his leadership.

U.S. ARMY CORPS OF ENGINEERS' OPERATION AND MAINTENANCE FUNDING FOR NOXIOUS WEED CONTROL AT LAKE SAKAKAWEA, GARRISON DAM, ND

Mr. CONRAD. Mr. President, I commend the leadership of the Appropriation Committee, and particularly subcommittee Chairman DOMENICI and Senator REID for their work on this bill. I bring to the chairman's attention a troubling problem we have in North Dakota around Lake Sakakawea, a reservoir controlled by the U.S. Army Corps of Engineers. As water levels drop, more of the land around the lake owned by the Corps becomes exposed, which is a perfect habitat for noxious weeds. In fact, an additional 140,000 acres have become exposed due to low water levels causing explosive growth.

The spread of noxious weeds is directly impacting farmers, ranchers, and other landowners in the vicinity of Lake Sakakawea. These landowners are responsible for controlling noxious weeds on their land; however, their efforts are futile when their land can be easily contaminated from weeds on Corps land. Unless the Corps has more resources to fight the noxious weeds, landowners will continue to face an uphill battle.

Mr. REID. I, too, am concerned about the situation around Lake Sakakawea and appreciate my colleague from North Dakota for bringing this to our attention. I agree that the Corps of Engineers has an obligation to address it, and I would be happy to work with my colleagues to identify additional funds to tackle the noxious weeds around Lake Sakakawea.

Mr. DORGAN. Mr. President, I thank my colleague from Nevada for his support, and I would like to work with him and the chairman of our subcommittee to find additional funding to combat this growing problem in the energy and water conference. Right now, the Corps is stretched thin financially and, as a result, it cannot keep pace with this expansive and growing problem. The Corps has a clear responsibility to address this problem and it cannot be ignored. It is my hope that the Corps will dedicate funds to controlling this weed problem from the money that would be provided from the amendment offered by Chairman DOMENICI and Senator REID that would add $65 million to the Corps operations and maintenance budget. The low lake level is due to the persistent drought plaguing much of the West, and I believe that the Corps has a responsibility to address problems on its lands resulting from weather-related conditions.

Mr. DOMENICI. I recognize the situation faced by those around Lake Sakakawea, and I will work with you to address this problem as we move this bill to the Energy and Water Appropriations conference.

SECTION 310

Mr. BINGAMAN. Mr. President, will the chairman yield for a question?

Mr. DOMENICI. I will be happy to yield.

Mr. BINGAMAN. Mr. President, section 310 of the current legislation directs the Secretary of Energy to file a permit modification to the Waste Isolation Pilot Plant's, WIPP, Waste Analysis Plan, WAP. Section 310(a) requires that for determining compliance with the Solid Waste Disposal Act, 42 U.S.C. 6901 et. seq., and any other applicable laws, all waste received for storage and disposal shall be limited in confirmation that it contains no ignitable, corrosive or reactive waste through the use of radiography or visual examination of a statistically representative population of waste; and to review of the waste stream profile form to verify that the waste contains no ignitable, corrosive or reactive waste. Section 310(b) requires that compliance shall be monitored exclusively in the WIPP underground rooms through airborne monitoring of volatile inorganic compounds.

Mr. DOMENICI. Mr. President, the Senator is correct.

Mr. BINGAMAN. Mr. President, is the chairman aware of an ongoing study, due December 2003, by the National Academy's Board on Radioactive Waste Management regarding waste characterization requirements for contact handled transuranic waste to be disposed of at the WIPP facility?

Mr. DOMENICI. Mr. President, yes I am aware that there has been ongoing scientific studies in this area.

Mr. BINGAMAN. Mr. President, will the chairman agree that as section 310 undergoes conference with the House and the language is considered that it is consistent with the ongoing study by the National Academy?

Mr. DOMENICI. Yes, I believe the provision has been developed based

upon sound science and will be glad to compare the National Academy report with section 310.

Mr. BINGAMAN. Mr. President, I thank the chairman for taking the time to discuss this matter with me.

Mr. JEFFORDS. Mr. President, I have agreed not to offer my amendment which would have required the submission to the Committee on Environment and Public Works of a log of documents relating to New Source Review at the Department of Energy by a time certain. My agreement is based on a promise from the Department made to my staff today. The Department has committed that this log will be delivered to me and the committee within the next few days. I ask unanimous consent that a September 25, 2002, letter from the Department to me, as then chairman of the committee, be printed in the RECORD following my remarks. This letter promised delivery of the document log by October 24, 2002, yet the Department failed to provide that log.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, September 25, 2002.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in further response to your December 19, 2001, letter to Secretary Abraham requesting certain documents in the possession of the Department of Energy (DOE) and related to Environmental Protection Agency's (EPA) review of its New Source Review (NSR) program. This supplements our earlier acknowledgment of your request on March 1, 2002, as well as a letter earlier today that transmitted certain documents that are arguably responsive to your request.

Based on conversations with Committee staff following our letter from earlier this afternoon, we understand that the Committee staff is interested in what additional responsive documents DOE has located and what our intentions are with respect to those documents. Other than Congressional testimony and the like, which we understand not to be covered by the Committee's request, the additional arguably responsive documents DOE has located consist of internal Administration communications regarding the ongoing development of proposed and final rules.

We understand that EPA has previously indicated to you its concerns providing internal executive branch deliberative communications of this nature but has also indicated that it wants to continue to work with the Committee on a cooperative basis. We further understand that you have reached agreement with EPA regarding how these interests may be accommodated. We share EPA's wish to work out a reasonable accommodation of these interests, and stand ready to provide you these materials on the same basis as that set out in EPA's letter to you of today.

Specifically, on or before October 24, 2002, we will provide the Committee the 1996 NSR rulemaking documents responsive to Items I through V of your December 19, 2002 request. With respect to documents responsive to Items II and IV of your request, we will continue discussions with the Committee to reach a mutually acceptable accommodation for the delivery and protection of information that is attorney work product or otherwise protected by law. With respect to documents responsive to your request that related to the upcoming proposed rule, we agree to continue to discuss our respective positions on Congressional access to those documents. In the meantime, and not later than October 24, 2002, we will produce a log of documents responsive to your request that relate to the upcoming rules on new source review. Finally, with respect to any responsive documents we locate that are not addressed above, including responsive documents related to the NSR ''90 day review,'' we will provide these to the Committee by October 24, 2002, on the same basis as EPA.

If you have any questions regarding this matter, please call me or have a member of your staff call me.

Sincerely,

DAN R. BROUILLETTE,
Assistant Secretary for Congressional and Intergovernmental Affairs.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2754, the fiscal year 2004 Energy and Water Appropriations bill, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $27.3 billion in discretionary budget authority and $27.3 billion in discretionary outlays in fiscal year 2004 for the Department of Energy, the Bureau of Reclamation, and the Corps of Engineers.

The bill is $1 million below the subcommittee's 302(b) allocation for budget authority and $47 million in outlays below the 302(b) allocation. The bill provides $511 million more in budget authority and $483 million more in outlays than the President's budget request, and $1.2 billion in budget authority and $1.8 billion in outlays more than the 2003 enacted level.

I am concerned that there may be an amendment to add $125 million in emergency funding for the Corps of Engineers. This amendment, if offered, will have a Budget Act violation and I will not be able to support it.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD at the conclusion of my remarks. I urge the adoption of the bill as it was reported from committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1424, ENERGY AND WATER APPROPRIATIONS, 2004: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	27,312	.....	27,312
Outlays	27,312	.....	27,312
Senate Committee allocation:			
Budget authority	27,313	.....	27,313
Outlays	27,359	.....	27,359
2003 level:			
Budget authority	26,156	.....	26,156
Outlays	25,555	.....	25,555
President's request:			
Budget authority	26,801	.....	26,801
Outlays	26,829	.....	26,829
House-passed bill:			
Budget authority	27,080	.....	27,080
Outlays	27,173	.....	27,173
SENATE-REPORTED BILL COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	(1)	.....	(1)
Outlays	(47)	.....	(47)
2003 level:			
Budget authority	1,156	.....	1,156
Outlays	1,757	.....	1,757
President's request:			
Budget authority	511	.....	511
Outlays	483	.....	483
House-passed bill:			
Budget authority	232	.....	232
Outlays	139	.....	139

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, July 21, 2003.

Mrs. MURRAY. Mr. President, I wish to address two parts of the Senate energy and water bill that are extremely important to Washington State: the environmental cleanup program, which impacts the Hanford Nuclear Reservation, and the Army Corps of Engineers.

First, let me express my deep appreciation to Chairman DOMENICI and Senator REID for their work on this bill. As always, they have taken limited resources and produced a well-balanced bill. That's a big challenge given the great needs our country faces in infrastructure, water, and energy. They have worked hard to understand the needs of my State and every State, and I thank them. I also thank the subcommittee staff. Clay, who is now at the White House, Drew, Tammy, Roger and Nancy do a remarkable job dealing with the thousands of requests from Members, and I thank them as well.

I want to begin by talking about the environmental cleanup program at the Department of Energy. That program is charged with cleaning up nuclear sites across the country, including the Hanford Nuclear Reservation in Washington State. For many years, I have had to fight the efforts of this and other administrations to under-fund this critical responsibility.

This year, I am pleased that we don't have to fight for increased funding. I think that success is due to several factors. First, we have a bipartisan group of Senators who are committed to cleaning up sites in their States, and our group has pushed hard for this increased funding. In addition, we are fortunate to have the subcommittee chairman and Senator REID as allies in this effort. The Department of Energy also deserves credit for putting forward a good budget request that puts these funding issues behind us this year.

But despite the agreement on funding levels, there is another problem that is brewing which I believe threatens the effective cleanup of these sites.

Like the people of the Tri-Cities, WA, I want to make sure that dangerous waste is cleaned up. I am concerned that this administration may try to change the ground rules so it could declare victory and walk away from the

site, without doing all the clean up work that's required. That could happen if the administration changes the definition of high-level nuclear waste.

To prevent that type of game-playing, the Natural Resources Defense Council, NRDC, brought a lawsuit against the Department of Energy. That suit sought to block new DOE rules on the reclassification of nuclear waste. Before that case went to trial, the NRDC and the States offered to settle the issues. Unfortunately, the Department of Justice and the Department of Energy rejected that cooperative approach.

The case went to court, and the Department of Energy lost. One would expect the DOE to go back to the plaintiff and the states to settle the issues, but that's not what happened. Instead the DOE came running to Congress, asking for legislation to do what it could not do in court.

Unfortunately, this tactic of fighting the states and trying to do an ''end run'' around the other partners in the cleanup is not new for this administration. The truth is that the fastest, most effective way to clean up these sites is for the DOE to work in partnership with the States and Federal regulators. Time and time again, however, this administration has tried to go it alone to the detriment of the residents who live near these contaminated sites.

To make the best use of the funding provided in this bill, the Department of Energy needs to get back to working in partnership with the States and Federal regulators. A unilateral approach will simply cost more money and will only create further delays. I understand the Department and contractors want to get on with their work, but they must recognize that State and Federal regulators also have a job to do. And most importantly, the people who live near these sites deserve to know, understand, and have input on the activities taking place near their homes.

In a letter to Speaker HASTERT, the Department claims the loss in court will greatly impede the cleanup of waste in Idaho, South Carolina, and Washington State. That simply is not true, according to the NRDC, the attorneys general of those three States, and the environmental directors of each State. I strongly urge my colleagues to reject the Department's request for a change in law.

I also strongly urge the Department of Energy to get back to its job of cleaning up the waste, rather than wasting valuable time seeking help from Congress over a court case that it lost.

I would also like to applaud the report language in the Senate bill that directs the Office of Management and Budget to review the Department of Energy's cleanup agreements, contracting, and cost estimates. I believe we should press the Department and contractors to cleanup these sites faster and more cheaply. Everyone supports this goal. However, we should not reduce the cleanup standards or threaten the safety of workers and surrounding communities. We must examine agreements and contracts to make sure they are realistic and that they don't rely on regulatory agreements and technologies that do not exist today. I do not want to stand here in two, three or ten years and have to explain that the reason some agreement or contract did not meet success was because it was never achievable in the first place.

Let me close this topic by making clear that we are making progress on cleanup around the country. This is a very challenging program that deals with the most dangerous materials in the world. That often requires new solutions and technologies, but our scientists, engineers, and workers have risen to the occasion. At Hanford, we are nearly done removing the spent fuel from the K-basins. This work is likely to be complete before the required timeline. Early success is also being achieved on the cocooning of reactors and cleanup of the plutonium finishing plant.

In short, we are starting to make real and substantive progress in this effort. In this bill, we are providing the necessary funding. Now, we need the Department of Energy to take this money and work hand-in-hand with regulators and communities to make the cleanup a success.

The second issue I would like to address is the budget for the Army Corps of Engineers.

As Chairman DOMENICI and Senator REID often say, we face the challenge of an inadequate budget for the Corps with every administration. In that simple sense, this year is nothing new. However, I think we are facing a compounding crisis this year when you consider: the scale of this year's cutback of the Corps' budget, the cumulative effect of years of inadequate funding, and the President's failure to fund low-use/shallow draft ports.

First, the President's budget for the Corps is $445 million less than our current fiscal year budget. I commend the chairman and Senator REID for restoring $233 million of this funding. In the end, however, it creates a downward trend at a time when we cannot afford to ignore our infrastructure. This funding shortfall means we are not keeping up on our time-lines to construct projects that are already underway. It also means we are not moving ahead on new projects that are critical for expanding our infrastructure capability and expanding our ability to export American products.

Even more troubling is the growing backlog in our operation and maintenance funding. Our infrastructure is falling apart around us—threatening our economy, and in some cases the lives of our sailors and boaters.

In Washington and Oregon, we have many examples of Corps infrastructure that is falling apart. John Day Lock and Dam has a crack running the entire length of one monolith. That threatens the entire operation of the lock. This will require more than $8 million, which is twice what is included in the President's budget. I thank the Subcommittee for providing an increase for the John Day Lock in the Senate bill.

Here's another example. Thousands of feet of the north and south jetties at the Mouth of the Columbia River have been lost to storms. The loss of these jetties creates greater dredging issues and threatens the safety of ships and boats that are navigating one of the most treacherous bars in the country.

If left unchanged, the amount of funding provided in the budget for Bonneville Lock and Dam would result in a $4 million penalty against the United States. Again, thankfully, the Senate subcommittee increased funding and will avoid that penalty.

These are just a few of the threats facing our existing, major water infrastructure. Clearly, the budget for the Corps is grossly inadequate.

We also need to remember that the budget does not provide sufficient funds for low-use and shallow draft ports. In fact, in some cases there is no funding to meet these needs. The President's budget seems to take pride in under-funding or zeroing out funds for these ports and channels. There is an apparent belief in the administration that because of the low volume use of these harbors it would constitute an unwise use of Federal funds to keep them open. This narrow view of the situation abandons some of our most economically-challenged rural communities in Washington, in Oregon, and across the country.

Look at the port of Chinook in Washington State where a failure to perform maintenance dredging on the Chinook channel has nearly closed the Port. It was only because the subcommittee intervened and the Corps responded quickly that the port will not be closed this fall and winter to fishing fleets. I express my sincere appreciation to the work of this subcommittee for protecting the jobs relying on this port.

When the port of Chinook is properly maintained, the annualized cost of dredging the channel is about $400,000. That small investment produces major economic benefits. The commercial and recreational use of the Port's marina alone bring in more than $3 million. Add to that number the value of the Buoy Crab Company, which employs 40 year-round workers and 100 seasonal employees. It's the second largest crab processor in Washington State. And we cannot forget that the port is located in a rural county that is facing some of the highest unemployment rates in the State.

Near Chinook is the port of Ilwaco, which generates almost $9 million in commercial seafood sales. Charter boat fishing generates an additional $2.8 million. Again, a consistent dredging program can maintain an economy

that brings millions of dollars into a rural economy and keeps our people employed.

In Oregon, they have 7 or more low-use, shallow draft ports. All of them are located in rural, coastal communities, and none of them received funding in the President's budget. The only bright note once again is that the subcommittee has chosen to fund these ports and to protect the jobs they support.

It appears that there are more than 25 ports and channels that receive funding not included in the President's budget. These are ports and channels that will remain open only because this subcommittee decided to value jobs and economies in rural America.

We must find a way to get this administration and future administrations to provide adequate budgets for the Corps. We cannot continue to underfund our existing infrastructure and fail to invest in building our economies.

I thank Chairman DOMENICI and Senator REID for their support of water infrastructure and for their efforts on this bill.

Mr. BYRD. Mr. President, I have often spoken of the grandeur of West Virginia's mountains and the abundance of tranquil mountain streams that gurgle quietly throughout the State. However, these same majestic mountains and streams are also conduits for disaster and devastation. When the heavy rains hit, waters from the mountaintops surge to the valleys and turn once peaceful meandering mountain streams into angry, raging, muddy torrents of horror, rising up over their banks and destroying anything in the way.

In West Virginia, such torrential flooding seems to be an annual event—since 1993, the State has had eleven federally declared disasters. In this year alone, the State has had two federally declared disasters. In the latest round of devastating flooding in the state earlier this summer, twenty counties were declared Federal disaster areas. Homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of the State—from roads, bridges, water and sewer, to power sources—brought a normal way of life to a screeching halt once again.

I know that West Virginia is not alone in attempting to recoup from such disasters. This year, many States have been impacted by floods, tornados, ice storms, and other severe conditions of nature that have crippled individuals and communities alike. That is why I am co-sponsoring an amendment with Senator REID in the amount of $65 million that would provide funding assistance through the Army Corps of Engineers to aid impacted States in recovering and rebuilding from recent natural disasters. This funding, coupled with the $983 million Federal Emergency Management Agency recently received through the FY 2003 Supplemental, should go a long way in helping States get back on their feet.

This amendment provides $65 million for the Corps under the operations and maintenance account to help repair damages to public facilities, such as obstructive deposits in flood control streams, bank erosion threatening public facilities, damages to other public infrastructure such as water and sewer facilities. Additionally, funds provided will allow the Army Corps to repair weather related damages that have occurred to Federal infrastructure.

Weather-related damages have occurred to public infrastructure across the country that is beyond the ability of local governments to repair. As I mentioned, West Virginia has recently suffered devastating floods. Numerous other States such as Michigan, Louisiana, Missouri and Illinois are still suffering from damages that occurred in previous storm events. In May of this year, unusually heavy rainfall occurred in four counties of the Upper Peninsula of Michigan causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending an estimated eight billion gallons of water cascading downstream through the city of Marquette toward Lake Superior. The floodwaters destroyed or damaged numerous public and private structures and caused unprecedented environmental and ecological damage within the Dead River Basin and into Lake Superior in Marquette County. Two power generation facilities were damaged. One of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days. Without power, two iron ore mines, which produce about 20 percent of our nation's annual iron ore output, were shut down, idling 1,200 workers. Dozens of other area businesses, institutions and private homeowners were also seriously impacted. Three of the four counties affected are impoverished, with a majority of the population over 65 years of age. Local governments simply do not have the capital to pay for the public damages. Without an infusion of Federal aid, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster.

This amendment fills a significant funding void to provide States expedited recovery from natural disasters that have occurred throughout the United States. These funds are vitally needed, as any flood, tornado, or storm victim can tell you, and I urge the Senate to approve their inclusion in this bill.

I thank my colleagues for their consideration of this important amendment.

Mr. JEFFORDS. Mr. President, I rise to express my concern regarding section 205 of H.R. 2754, the fiscal year 2004 energy and water appropriations legislation. The provision affects the protection of the Rio Grande silvery minnow. As ranking member of the Senate Environment and Public Works Committee, the committee of jurisdiction over the Endangered Species Act, I am concerned about the impact this provision will have on the future survival of this species.

In New Mexico, Federal, State and environmental stakeholders were in the midst of negotiations that would yield long-term solutions to the water crisis in the Rio Grande. These negotiations began in response to a 10th Circuit Court of Appeals ruling that both San Juan-Charm water and native Rio Grande water could be taken by Federal officials to meet environmental conditions for the silvery minnow. The discussions were recently suspended due to the time pressures placed on the parties by the provision in this bill.

The parties, convened by Governor Richardson, are seeking locally driven resolutions that would both fulfill the intent behind this provision and also address the conditions that precipitated the need for the court's opinion.

These negotiations have moved very close to agreement on the sustainable and equitable management of water resources in the Middle Rio Grande. The negotiations were a great step toward collaboration and made progress under the Governor's leadership. That they have been called off, due largely to this provision, puts at risk a precedent for collaboration that could be a model for endangered species and river management throughout the West.

I am concerned that section 205 would prevent the Bureau of Reclamation from releasing water from its reservoirs to maintain silvery minnow habitat and that without access to this water, it will be more difficult to acquire the water needed to meet the target flows in the U.S. Fish and Wildlife Service biological opinion endorsed in this provision. Any action that takes water out of the Bureau's hands increases the pressure on remaining water supplies and on the silvery minnow. Negotiated water management reforms, not exemptions to the Endangered Species Act, will best meet the needs of all who are dependent on the Rio Grande.

This rider also would seek to sanction a biological opinion from the Fish and Wildlife Service. The Endangered Species Act is a flexible tool that allows for biological opinions to adapt to changing circumstances and increased knowledge. If this biological opinion is endorsed by this provision, it is likely that it would not be reopened, even if the Service learns of more effective methods for protecting the silvery minnow.

The Rio Grande silvery minnow occurs only in the middle Rio Grande. This species was historically one of the most abundant and widespread fishes in the Rio Grande basin, occurring

from New Mexico, to the Gulf of Mexico. It was also found in the Pecos River, a major tributary of the Rio Grande, from Santa Rosa, NM, downstream to its confluence with the Rio Grande in south Texas. It is now completely extinct in the Pecos River and its numbers have severely declined within the Rio Grande. Currently, the species occupies only about five percent of its known historic range.

The parties to the mediation, the Governor's office; environmental groups; the conservancy district; the Bureau of Reclamation; several Indian Pueblos; the State water engineer; and the city of Albuquerque should be able to continue their negotiations to find a mutually agreeable solution to this problem, without jeopardizing the underlying species protections provided by the Endangered Species Act.

Mr. LEVIN. In May of this year, unusually heavy rainfall occurred in four counties of the Upper Peninsula of my home State of Michigan—Baraga, Gogebic, Marquette and Ontonagon Counties—causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. These four counties are not able to absorb this disaster as they have overall unemployment and poverty rates higher than the state average.

The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending an estimated 8 billion gallons of water cascading downstream through central Marquette County and the city of Marquette toward Lake Superior. Rapidly moving water and massive amounts of trees, logs and other debris has severely undercut many sections of the riverbank, making them unstable and creating serious public safety and environmental concerns.

Damages to one of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days. Without power, two iron ore mines, which produce about 20 percent of our Nation's annual iron ore output, were shut down, idling 1,200 workers. These mines contribute nearly $115 million in personal income annually and are two of the largest employers in Marquette County. Even this temporary shutdown has had a significant negative impact on the local, regional, State and national economies. Dozens of other area businesses, institutions and private homeowners were also seriously impacted.

Current estimates of economic damages alone to these counties, mostly to Marquette County, are calculated at over $100 million. There have been severe impacts to roads, bridges, culverts, water control structures, utility infrastructure and environmental and ecological damage to the waterways resulting from this flooding. When the public damage figures, currently estimated at $18–20 million, are combined with those high economic impacts caused by the loss of electrical power generation capabilities and the environmental degradation to the area, it paints a devastating picture for this area in Michigan. Further, this area is still recovering from the flooding that occurred last year. The fact that these counties have suffered two major disasters in two years is extremely significant.

Without our assistance, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster. And the health, safety, economic vitality, and quality of life of the communities and their citizens will certainly suffer for years to come.

I urge my colleagues to support this request for $125 million in emergency funding for flood damage remediation assistance.

Mr. DOMENICI. Mr. President, I heretofore indicated there would be a vote on a McCain amendment preceding final passage. The Senator has sent word that he no longer desires to offer his amendment. He withdraws it. That means there are no amendments pending. We are ready to go to final passage.

I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the passage of the bill, the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—92

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Brownback	Frist	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kohl	Sununu
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lincoln	

NOT VOTING—8

Allard	Graham (FL)	Miller
Breaux	Kerry	Smith
Edwards	Lieberman	

The bill (H.R. 2754), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1722

Mr. SANTORUM. I ask unanimous consent notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider the Bingaman amendment which is at the desk; that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1722) was agreed to, as follows:

(Purpose: To improve administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA))

On page 51, line 13, insert before the period: ''; *Provided*, That from the funds made available under this heading for transfer to the National Institute for Occupational Safety and Health for epidemiological research,

$7.5 million shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia;''.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses and appoints the following as conferees on the part of the Senate.

The Presiding Officer (Mr. ALEXANDER) appointed Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. INOUYE conferees on the part of the Senate.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Resumed

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask that the Chair lay before the House the message from the House accompanying S. 3, as under the previous agreement.

The legislative clerk read as follows:

A message from the House to accompany S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

Mr. SANTORUM. Mr. President, we have before the Senate right now what is usually a procedural motion. When the House passes a bill and the Senate passes a bill and they are different, we procedurally just move to disagree with the House and their provision and go to conference, just as we did prior to the calling up of this bill, S. 3.

The Presiding Officer, who is sitting here for the Vice President, said we were appointing conferees.

The Senator from California has sought to have a debate about whether we are going to disagree with the House and therefore go to conference. I don't understand quite why this is necessary since it is purely a procedural motion. I have been in the Senate not that many years. I have been here about 9 years and have never had a debate on a motion to disagree with the House and to have this kind of time spent when everybody agrees that is what we need to do.

I will support the motion to disagree with the House so we can go to conference and come up with a bill on partial-birth abortion that will be in a conference report that will then come to the Senate that will not be amendable.

If we did not disagree with the House, and the bill came here to the floor, we would have the House bill here. It would be subject to amendments. We would go on again for a long time and have debates and discussions on other amendments. We would have to send it back to the House, and we would be going through this game again.

So this is just a way to bring finality to this process of trying to get a bill which has now been hanging out here in the Senate. We passed this several months go. The House did also. We have sort of been on hold here because of this procedural motion.

Now that we have agreed to allow 8 hours of debate—2 of which were last night—we will debate a couple hours tonight, and tomorrow morning we will have run a couple more hours, and then, hopefully, finish it sometime, maybe tomorrow evening. But the idea is to get this bill to conference where I am confident we will get a bill that will be to the liking of the vast majority of the Senate as well as the House and the President.

With that, we will have this bill signed and for the first time have a Federal piece of legislation to ban a procedure which the late Senator from New York, standing at that desk right over there, referred to as ''infanticide.''

It is a gruesome procedure which is very difficult to talk about because it is so gruesome and graphic, this description of what this procedure is all about.

It is used almost always on babies who would otherwise be born alive, who are post 20, 21 weeks in gestation, which is halfway through a pregnancy, or later.

These babies are, as I said before, in most cases, healthy. The mothers are healthy. This procedure is used because late in pregnancy a mother decides, for some reason, that she no longer wants the child within her—which is a tragic situation to have a child that is unwanted. I think we all recognize the tragedy of that.

But I think what most Members of the Senate have said is that this procedure—not that she shouldn't have the right to do it. Roe v. Wade, as interpreted by many subsequent Supreme Court cases, gives a woman the absolute right to an abortion at any time during pregnancy.

Now, for those of you who have not listened to debates on abortion before in the Senate or who have not read the case law with respect to abortion, that may come as a surprise to you, that Roe v. Wade, and its subsequent line of cases, has developed to the point where there is no restriction—no restriction—on the right to an abortion up until the moment the baby separates from the mother completely. Up until that time, the Supreme Court now has decided that a woman has a right to kill the child within her. Or even, as in the case of partial-birth abortion, the Supreme Court ruled that the woman has a right to kill the child who is but an inch, 2, or 3 inches completely from being separated from the mother in the process of being delivered. That is how extreme the Roe v. Wade decision is.

Now, I would say that for most Americans who are listening, that is further than they had thought Roe v. Wade had taken this country, and that it is not where the vast majority of Americans are. That is why 70 percent of the people in this country oppose partial-birth abortion and would like to see it banned. That is why the vast majority of people in this country are for some limitation on abortion.

Depending on the poll you see, anywhere from 15 to 23 percent of the American public want abortions available at any time during pregnancy. Most Americans—the overwhelming majority of Americans—want some restrictions.

Now, in the Senate we did something I would argue was unfortunate. A couple months ago we adopted an amendment offered by the Senator from Iowa which was truly an extreme amendment.

We hear so much talk about people who are pro-life, who are against abortion, as being extremists. The definition of ''extreme'' is someone who is outside the norm. Well, when you have 15, 16, 17 percent holding this position, and 85 percent holding the other position, it is very difficult for the 16 percent to say the 85 percent is extreme.

But that is what we hear on the floor of the Senate, that those who believe in the absolute right given under Roe v. Wade—the absolute right—to have an abortion at any point in time in a pregnancy, for any reason—because you don't like the color of your child's eyes or because your child may have a cleft palate or because something happened in your personal life that has upset you and you no longer wish to carry this child, even though you may be 37 or 38 weeks along—it doesn't matter.

Under Roe v. Wade, and under the amendment offered by the Senator from Iowa, we have said in the Senate—I believe wrongly and unjustly—that should be the law of the land, that a woman's right, domain over a child, is absolute until complete separation. There are some who even argued after separation. But, thankfully, the Senate voted last year that a child who was born and completely separated has a constitutional right. That is how far we have come. We actually passed a bill last year which said that once a child is born it has constitutional protection. That is the biggest step we have been able to take to protect the life of innocent children in America.

But what this Roe v. Wade language—this language which I anticipate being dropped in conference—says is that we believe in the absolute right—absolute right—of a woman to terminate a pregnancy, to kill the child within her, at any point in time, for any reason. That is what the law of the land says.

Now, I would make the argument that Roe v. Wade, because of this twisting of the Constitution—it really is tortuous—has done something that we have not seen done in this country, that we have not seen done in this country since the Dred Scott decision.

If we think back to the Dred Scott decision—well over 100 years ago, 150 years ago—the Dred Scott decision was based on a misunderstanding of ordered

liberty, of ordered rights that we laid out in our founding documents. In the Declaration of Independence, the document on which this country was founded, we made a statement as a country that we hold dear. The Declaration of Independence—of maybe all the documents, of all the great works of craftsmanship of words that we have seen put forth in this country—there are very few that match the eloquence of the Declaration of Independence.

What the Declaration of Independence said is: We hold these truths to be self-evident, that all men are created equal and endowed by our Creator with certain inalienable rights. And then what—this is very important.

The Presiding Officer is a great student of history and maybe the greatest advocate for the understanding of history and the knowledge of who we are as Americans. I would argue the Declaration of Independence tells us more about who we are as Americans than maybe any other single document. But what this document says is: We are endowed by—not a Congress or not the courts or not some king—our Creator, the God that you worship, Allah, Jesus, God of Abraham, Isaac and Jacob, a God who may be a God of the Hindu religion, whatever that creator is, the creator God, he has given us rights by the fact that we are human.

What these rights consist of the Constitution laid out. They laid them out very particularly because there is an order to the rights that God has given us. There has to be. We have the right to life, liberty, and the pursuit of happiness. They didn't say the pursuit of happiness, liberty, life. They didn't say liberty, life, happiness. They said them in a specific order because without that ordering of liberty, without that ordering of rights, they make no sense. For you cannot have happiness, true happiness, you cannot pursue true happiness, which the Founders really sought as truth—the ability to find what is true and what is right and what is just, and that would in a sense make you happy—you cannot pursue happiness without the freedom to do so, without the liberty, the right of liberty to think and to pursue your beliefs freely.

But you cannot have liberty, obviously, if you are not alive. If you don't have life, then what good is liberty? And if you are not alive, if you have no right to your own life, you can't pursue happiness. So life, liberty, and the pursuit of happiness are not just words that were thrown out there because they sounded lofty or because they were rolled off the tongue in a way that makes a nice impression. They are there because they are foundational in understanding how free people treat each other, how a free society must conduct itself in order for it to prosper.

What did Dred Scott do? The Dred Scott decision put the liberty rights of the slaveholder over the life rights of the slave. It said that I, as a slaveholder, could own and control you, could kill you, could sell you as a piece of property—liberty rights over life rights. The U.S. Supreme Court in the 1850s said that was constitutional. As a result, many people believed that, because it was constitutional, it was therefore right. It was legal. It was just. It was moral. Why? Because our laws are a reflection of a collective morality. Our laws are a reflection of what we as a society believe is right.

At first there were a few. As Henry the Fifth in Shakespeare said: We few, we band of brothers. In this country there were few who stood and said: No. It may be legal, it may be seen as just by the courts, but it is wrong. It is immoral; it is unjust; and it is a fundamental misunderstanding of the basis upon which this country was founded.

As Abraham Lincoln said, a house divided against itself cannot stand. The separation began to grow. And more and more people began to understand the injustice of taking the liberty rights of one to trump the life rights of another. There were many in this country and many in this very Chamber who believed we could sustain that, as unjust as maybe they even thought it was.

Many would have said: Well, I am personally opposed to slavery. I would never own a slave. I would never do something like that. But who am I to tell someone else they can't own a slave? Is that my responsibility? I may think it is immoral, but how can I impose my morality on a slaveholder who has his own economic interests? He has a family to raise. He has complications in getting his crops in.

There are exigencies out there that those who promoted slaveholding said: We need this. We don't like it.

I am sure there were many people on both sides of the aisle who said: We support slavery. We don't like it. We don't encourage it. Yes, we think it is probably immoral. But we need to have this option available for people if that is what they choose. We need to give people the right to choose.

Eventually there were enough people in this country who decided they could not let that stand. Unfortunately, we had to fight a war to change it.

After that war, I am sure there were many in this Chamber who thought this great scourge, this black mark, this pox upon the American existence had been wiped away, never to be seen again; that we would learn from history never to repeat this horrendous injustice, this immoral behavior as a society. We would never, ever again misorder our liberties. But they were wrong. For today in this country, as a result of Dred Scott 2, the Roe v. Wade decision, we have seen the same thing come about.

We now have the life rights, the most important right given to us as children of the Creator, crushed and hidden away behind the concept of liberty. It repulses us now to think that people used liberty to defend slavery. They used the right of free people to live their life freely to defend slavery.

I hope that 100 years from now—hopefully soon—people will be on the floor looking back at this time and saying: I can't believe they did it again. I can't believe they didn't learn their lesson. I can't believe they didn't see that a House divided against itself cannot stand.

The Senator from Tennessee, the Presiding Officer, is honest. It has been said many times that those who do not learn from history are doomed to repeat the mistakes of history. And so we are, and so we will continue, I suspect. But it is important that the few, we merry band of brothers, stand up, in spite of what may be majorities against us—and certainly the media and the popular culture is speaking against us—and speak the truth that our Founders laid out.

They did not say we believe or we think we were endowed by our Creator. They did not say it is our opinion that these rights exist. They claimed truth. They claimed truth, and they devoted their lives, their fortunes, and their sacred honor to fight for that truth during the Revolutionary War.

People who came from little hamlets all over the north and the border States did the same. Today, in their own quiet way, millions of Americans do the same. They fight the battle. They fight it with prayer chains. They fight it at home at night and through their prayers, through the counsel of those who are going through troubled times. They do it through the love they feel toward those who are going through difficult times in their lives, but they understand that the truth claim that our Founders chiseled into the Declaration of Independence will not be forgotten in our society.

We will lose many more battles. There is no doubt we will lose many more battles, but ultimately, I have to believe, because I do believe in America, we will win the war and reestablish truth, justice, and righteousness—righteousness as defined by our Founders, as understood in the nature of humans. We will win that war one day.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the time be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I wish to take a few minutes to join with my colleague from California and talk about this important measure pending before the Senate.

First, I applaud the Senator from California, Mrs. BOXER, for insisting on a vote on this motion to disagree with the House. She has been a long-time leader in the Senate and the House in protecting a woman's constitutional right to privacy and her right to choose.

The motion before us is a motion to disagree with the House version of the late-term abortion bill. What is the reason we would want to disagree with the House bill? The House bill is exactly the same as the Senate bill except for one key difference: It failed to include the resolution which I offered on the Senate floor, adopted in the Senate regarding the Supreme Court decision on Roe v. Wade.

This is the exact language that is in the Senate bill that the House disagrees with:

> It is the sense of the Senate that—
>
> (1) the decision of the Supreme Court in Roe v. Wade 410 USC113(1973) was appropriate and secures an important right;
>
> and (2) such decisions should not be overturned.

That is all it says. That is what the Senate adopted. That was my amendment that I offered to the bill, and the Senate adopted it. This is what the Senator from Pennsylvania said was extreme. It is just a sense-of-the-Senate that Roe v. Wade was appropriate and secures an important right and should not be overturned. The Senator from Pennsylvania says that is extreme.

The Senator from Pennsylvania may think that. From listening just a little bit to him—and I have heard him talk at length on this issue on the Senate floor in the past—I am sure the Senator from Pennsylvania believes Roe v. Wade was an extreme decision. It is his right to think that. I do not say he cannot think that if he wants to, but that is not what the majority of people in this country believe. It certainly is not the way the vast majority of women in our society feel.

Again, this passed the Senate 52 to 47. It passed the Senate before in the same version. About 4 or 5 years ago, we passed the same thing, a sense of the Senate that Roe v. Wade should not be overturned. So, again, the only difference between the House and the Senate bills is simply this: The House does not have this language in it, so, again, to go to conference with the House we have a vote to disagree with what the House did.

If we agreed with what the House did, we would have no need for the conference. We would send the bill to the President. For example, if the House had included this language in their bill, we would not be here tonight talking about this. It would already have gone to the President and he would have signed it into law. So that is what we are talking about. We are going to have a record vote on a motion to disagree with the House version. It is my belief that if one votes to disagree with the House version, then they are disagreeing with the fact that they did not put this language in their bill. That is the only difference.

Therefore, if my colleagues vote to disagree with the House, then they are voting to agree with the Senate. If they vote to agree with the Senate, they agree that this language should stay.

The Senator from Pennsylvania may try to explain it one way or another, a procedural vote, blah, blah, blah—all that kind of stuff—but the truth is, if my colleagues vote to disagree, the only thing on which they disagree is this language supporting Roe v. Wade. That is why I think it is important to have this vote.

The Senator from Pennsylvania says he is going to vote to disagree with the House, and then try to explain it some way. I mean, a vote is a vote. One can try to explain it any way they want, but the fact is this is the only difference.

I believe most people in this country believe that Roe v. Wade is a mainstream, moderate decision by the Supreme Court. It is one that American women have come to rely on, and I believe we owe it to them to insist that it remains in this bill.

The Senator from Pennsylvania has already said they will drop it in conference. Well, that is kind of interesting, is it not? The Senator from Pennsylvania has already preordained that no matter what we vote on in the Senate, they are going to drop it in conference.

I think every woman in America ought to know this. Every woman in America ought to know that the Republican leadership—and the Senator from Pennsylvania is in the Republican leadership—has said: We do not care what the Senate said, we are going to drop this language.

Can there be any doubt in any American woman's mind that their right to privacy, their right to choose, hangs by a thin thread?

The vote in the Senate was 52 to 47. Someone was missing. But a few votes here, a few votes there in the coming election, and I can guarantee that the right to choose for every young woman in America will be taken away. This Congress and this President will see to it that Roe v. Wade is overturned. They will see to it.

Every woman ought to know that whether they think abortion may be right or not, that is not the point. The point is whether a woman should have control over her own reproductive system or should some man have control over it? Or should a Supreme Court have control over it? Or should a legislative body such as a Senate or a House—comprised mostly of men, I might say—tell a woman what her reproductive rights are?

I have often wondered, if we could have randomly picked a Senate of 100 women or randomly picked a House of 435 women—I am sure there would be some women who would probably vote to do away with Roe v. Wade—but I would wager that the vast majority of any vote held in a Chamber of 100 women would be overwhelmingly: Keep your hands and keep your laws off my body. Keep your hands and your laws away from my right of privacy and my right to choose.

Does anybody have any doubt that a Senate of 100 women or a House of 435 women would vote differently than that? We would only be fooling ourselves if we thought they would vote the same as the men in the Senate and the men in the House. And I say pick them randomly.

On January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade. Again, for the record, it was a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. That is what some in this Chamber want us to go back to.

Siding with Jane Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time that a constitutional right to privacy is ''broad enough to encompass a woman's decision whether or not to terminate a pregnancy.''

It also set some rules. The Court recognized that the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life.

A State's interest in potential life is not compelling until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside the womb. A State may, but is not required to, prohibit abortion after viability. Let me repeat that. A State may—it is not required—prohibit abortion after viability, except when it is necessary to protect a woman's life or health, and that is the difference.

This is what the Supreme Court said:

> The stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe—
>
> Prohibit—
>
> abortion except where it is necessary in appropriate medical judgment—

Interesting, the Court said medical judgment; they did not say legislative judgment—

> for the preservation of the life or health of the mother.

Very important words.

Some people, when they get all ''rhetoricked'' about this issue, say that a woman can choose at any point, even up to minutes before the child is born, to terminate her pregnancy. That is not what the Supreme Court said. The Supreme Court said the State may even proscribe—prohibit—after viability ''except where it is necessary, in appropriate medical judgment, for the

preservation of the life or the health of the mother.''

So we see what the Senator from Pennsylvania and those who want to do away with Roe v. Wade are saying. They are saying: Look, we do not trust medical judgment, we do not trust a woman, and we do not believe that the health of the mother should be in here. ''Life,'' maybe, but not ''health of the mother.'' That is the difference. That is the key. Again, is that really extreme?

Oh, I hear the arguments. They say, ''Health of the mother? Why, the woman can say anything. Why, a woman can say, 'I may break out in a hot sweat if I don't end this pregnancy. Maybe my big toe hurts; therefore, I have to have an abortion.'''

Again, what this gets back to is a mistrust of women, that somehow a woman cannot make that decision as to how it affects her health; that somehow a man, a legislator, a legislative body, has to then intervene because, you see, you can't trust women to make that decision.

I trust women to make that decision. I have never in all my years ever talked to a woman who has had an abortion who took it lightly, willy-nilly, just a little procedure and move on. This is one of the most profound, traumatic, life-changing decisions a woman will ever have to make. It is not made lightly. It is made under great anguish, with great thought and contemplation.

So I guess when it comes down to that, I say I put my trust in women to make that decision. Not me. It is not going to happen to me. I will trust the woman, with her husband, her family, her doctor, her priest, rabbi, minister—whatever religious faith she may be—but ultimately it is up to the woman to make that decision.

That is what this is all about, isn't it? When you cut down through all of it, get rid of all the rhetoric, it gets down to whether women can be trusted to make these decisions. That is what my resolution said. It said Roe v. Wade was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of Roe v. Wade, it was estimated that each year about 1.2 million women resorted to illegal abortion, despite the known hazards of frightening trips to dangerous locations in strange parts of the city, of whiskey used as an anesthetic, of ''doctors'' who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes sexually abusive, under unsanitary conditions, with incompetent treatment. Many times there were infections, hemorrhages, disfigurement, and death.

By invalidating the laws that forced women to resort to back-alley abortions, Roe was directly responsible for saving women's lives. It is estimated at least 5,000 women died yearly from illegal abortions before Roe v Wade.

Who were these women? They were not the well-to-do. We all know from our youth that the well-to-do, the people who were well situated, had access. They always had a friend, they had a doctor who would perform it and not say anything. They would pay him and that would be the end of it. To say otherwise, to say that never happened, stretches credulity. We know that. And we all know cases of it happening.

No, it was not the well-to-do. They had their own special doctors who could keep things quiet. It was poor women, women without connections, women who lived in small towns in rural Tennessee and rural Iowa who didn't have that kind of access, poor women who lived in cities and urban areas who resorted to these back-alley abortions because they didn't have the ''connections.''

Sometimes I feel there are many who want to overturn Roe v. Wade because, you know, deep down inside they know if it ever came to them or their families and they were confronted with a situation where their loved one—a wife, a spouse, a mother, a daughter, a sister—for health reasons had to terminate a pregnancy, for health reasons wanted to terminate a pregnancy, they could get it done because they have connections. Don't you see? We all kind of have these kinds of connections, if you are well connected like a Senator or a Congressman, people with financial resources.

We can do away with Roe v. Wade, but if it ever happened to my sister, my daughter, and it was health, and I knew it was going to affect her health for the rest of her life—well, we would find somebody to take care of it, don't you know.

Again, it is back to poor women. Unfortunately, what is lost in this rhetoric is the real significance of the Roe decisions. Here is what the Supreme Court said, again, just 3 years ago in Stenberg v. Carhart. This was the Nebraska law. Nebraska had passed a law banning abortions except to save the life of the mother.

Here is what the Supreme Court said 3 years ago. The governing standard requires an exception:

> . . . where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

That is what the Court said 23 years prior to that in Roe v. Wade. That is exactly what it said. So the Supreme Court in 2000, in the Nebraska case, said here is the governing standard.

Then they said:

> Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, imposed significant health risks.

Once again the Supreme Court has said:

> Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, impose significant health risks.

That is why this late-term abortion bill before us I am sure will go to the Supreme Court and it is going to strike it down. Why? Because there is no exception for the health of the mother: Zero, no exception.

The whole concept of late-term abortions obviously is not something anyone relishes. I do not. It is not something that conjures up pretty thoughts. But neither does conjuring up the thought of a woman for whom, in the judgment of medical experts, this is the safest procedure to protect her health, and the woman can't have this procedure done and may lose her ability to ever have a child again.

A few years ago I met from my neighboring State of Illinois a woman who came to Iowa to speak to me when this issue came on the floor. She went public. In other words, she came out in the public. She is happily married. She had this late-term abortion procedure, this D-and-X procedure it is called, performed because she had a serious health problem.

Whether or not it is true, the doctor told her this was the safest procedure for her; that if, in fact, she did not have this procedure, the other two procedures that were left—one of them being a hysterectomy, and I don't remember what the other one was—would obviously leave her incapable of every having children again. She told me what a painful decision this was for her to give up this fetus that she had carried for several months. She spoke to me in heart- wrenching detail about how painful this was for her. But they made that decision. She made that decision with her husband, with her religious counsel, and she had this late-term abortion procedure done by a qualified doctor in a hospital in sanitary conditions with good medical personnel around her. And her and her husband went on to have more children—beautiful children.

Who am I as a Senator to have gone to that woman and said: You can't do that. I don't care what your doctor says. It makes no difference. It makes no difference how your health is going to be affected. It makes no difference whether you can ever have a child again. You cannot have that procedure done.

That is what we are saying here, folks. That is what we are saying to this woman. We don't care what the doctor says. We don't care what the medical judgment is. We don't care how badly your health may be affected. You can't have that done.

As a Senator, I am going to tell a woman that? Some people around here may want to play God. Some people around here may want to play dictator and dictate to women what they can and cannot do. That is not my role. That is why the longer we look at Roe v. Wade, and the decision that was made by the Supreme Court—and when we read the Nebraska case—it becomes clearer and clearer that the Supreme Court made a very wise decision in 1973. They set up a trimester system. When they set up the viability, the State does not have an interest. But after viability, States may even prohibit an abortion except to save the life

or the health of the mother. The longer that we have to look at what has happened with Roe v. Wade the more clear it becomes to this Senator that that really was a very wise decision.

This decision is profoundly private. As I said, it is life altering. As the Court understood, without the right to make autonomous decisions about a pregnancy, a woman cannot participate freely and equally in society because Roe v. Wade not only establishes a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since Roe v. Wade, the variety and level of women's achievements have reached higher levels. Now the Supreme Court in 1992 observed this. They said:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

That is why I believe the freedom to choose is no more negotiable or should be no more subject to the whims of the Senate or the House than the freedom to speak or the freedom to worship. It is a matter of trusting women to make the right decision.

I strongly urge my colleagues to vote to disagree with the House version of the bill but not to do it in some phony sense; that somehow we are going to vote but that is not what I mean. I think votes around here have consequences. They have meaning. That is the language. The sense of the Senate that the decision of the Supreme Court in Roe v. Wade is appropriate and secures an important right, and such decisions should not be overturned. That is all it says. The House would not adopt that. The House wouldn't adopt that.

It is my hope that the conferees will preserve the Roe v. Wade resolution. But again, it is the Republican leadership that runs the Senate and runs the House. It is the Republican leadership that repeatedly wanted to restrict a woman's right to choose. It is the Republican leadership that says the language of Roe v. Wade is extreme, and that every woman in America ought to understand that—especially young women whose lives are ahead of them, who have grown up with more freedom, more avenues open to them to fulfill their choices in life as to who they want to be and what they want to do than was ever available to women in my generation.

I think many young women in America today just take it for granted that if they should ever find themselves in a situation where they might seek an abortion, they will be able to do so.

I talk with young women. I recently came off a political campaign last year. I had many young women talk about this time after time after time—college-age women, young women who say to me: There is no way that they are ever going to take away my right to choose; it just won't happen.

They don't believe it could happen. I hate to disappoint these young women.

The vote here was 52 to 47. It was that close. It could be overturned. This Senate, this House, and this President could overturn that and take it away and turn the clock back. And that is what some want to do.

I have no doubt that the Senator from Pennsylvania is sincere in his beliefs. I don't doubt that for a minute. And he is certainly entitled to his beliefs. He is not entitled to force the women of America to believe as he does. The women of America ought to make their own choices and not have us make them for them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the issue of banning partial-birth abortion in the United States.

We have a unique opportunity to end this grisly practice of partial-birth abortion in this country. Sadly, some in this Chamber have delayed a vote to send this bill to conference and then to the President. That is what needs to take place. This has passed the body repeatedly. The President is ready to sign it. It is time to move forward on this issue.

This is an important milestone. This will be the first time since the Supreme Court decision of Roe v. Wade that the Congress will have curtailed in any way the practice that results in the death of an innocent human being and the emotional wounding of the mother. In this process, both are victims—the child and the mother.

The partial-birth abortion procedure, which former Senator Moynihan called the closest thing that he had seen to infanticide, is something that needs to be banned once and for all. This comes from both sides of the aisle. This comes from the American public. The vast majority of the American public, over 77 percent, support banning this procedure of partial-birth abortion. They see this as it is, as clearly the late-term killing of a child. And it ought to be stopped. It should have no place in a civilized country. It should have no place in a country such as the United States which stands for human rights and the dignity of the individual.

I believe the true mark of a civilized society is not the level of human dignity that it confers on the strong and wealthy. Its true mark is on how much it confers on the vulnerable and on the oppressed. Clearly, an abortion procedure that dismembers and kills a partially born human being has no place in a civilized society.

Aside from partial-birth abortion, it is becoming increasingly clear that the impact abortion has on this society, on the people, and particularly on the women who have had abortions, is itself profound.

I will talk briefly about the impact of having an abortion on a woman. There are an increasing number of studies coming forward about the woundedness that takes place to a woman.

I mention to my colleagues and to those watching a particular Web site titled ''Women Deserve Better.'' I have met with the leadership from this group. A number of the women have had abortions—some of them have not—and deeply regret it, going through years of suffering, emotional suffering, personal suffering, physical suffering, as a result. They have now said: We were not told the story at that time. We were not told the truth of the amount of suffering we would go through. We were told this would take place and it would be quick and easy and it would be over with and that would be it. And it is far from the truth.

I cite one study from their Web site ''Women Deserve Better,'' talking about psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling, finding they experienced a range of problems. These are the women who have had abortions, including increased use of drugs and/or alcohol to deaden their pain, recurring insomnia and nightmares, eating disorders that began after they had the abortion, suicidal feelings, and many even attempted suicide. This is a report they have cited.

They went on to also cite who is at high risk for developing serious emotional and psychological problems following an abortion. They list a number of groups. One was women who had abortions after 12-weeks' gestation. That is certainly the case in partial-birth abortions where you have a gestation that would be over 12 weeks.

People should look at this. I ask unanimous consent to have this printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. BROWNBACK. We have two victims here: the child and the woman.

I am also particularly concerned that the widespread acceptance of this brutal practice of partial-birth abortion has already significantly coarsened public attitudes toward human life in general, particularly toward the most vulnerable in our society, whether they are the unborn or old and infirm. This coarsening of public attitude over the past several years has made other assaults against the dignity of human life possible, assaults such as partial-birth abortion, euthanasia, assisted suicide, destructive embryo research, and now even human cloning where we would research on humans, we would

patent a person and then research on them.

Furthermore, new studies in groups are coming forward addressing the horrible impact, as I noted earlier, on women who have had abortions and what this abortion's impact is on the woman.

We all have a duty, an obligation, as citizens of the United States to stand up against the moral outrage of abortion. Human life is sacred. It is a precious gift. Human life is not something to be disposed of by those with more power. Yet one of the most extreme assaults against human dignity is made against some of the most innocent among us. Whether from the first moments of life, to the moments just before birth, a child is a precious and unique gift, a gift never to be given or to be created again.

It seems, therefore, that in some measure this debate is about whether or not that child prior to birth is a child at all. That really is the central question. Is that child, before birth, a child at all? Is this young human a person or is it a piece of property? That is the real debate. One has to conclude this child is a child; it is not property. This harkens back to the slavery debate.

I also point out there is new evidence on this, as well. We try to debate: Is the child in the womb a child or property?

I note a news article that came out Sunday in this country in the Chicago Sun Times—and also in Australia in Sunday's Herald Sun—which reported that Dr. Stuart Campbell, professor and chair of the Department of Obstetrics and Gynecology in the Fetal Medicine Unit at St. George's Hospital in London, a man who pioneered 3–D ultrasound technology in 2001, said he has seen fetuses moving their fingers as early as 15 weeks' gestation, yawning at 18 weeks, and smiling and crying at 26 weeks. We are seeing this done at 3½ months.

Doctors currently believe fetuses cannot feel pain until at least 12 weeks' gestation when the fetus's nervous system is formed, but we are finding more and more, earlier and earlier, that what this child is feeling, seeing, and knowing, moving their fingers at 15 weeks—is that a child that moves those fingers or is it a piece of property? Is it a robot? Is it a blob of tissue or is it a child?

What impact does it have on the mother if that child's life is terminated? At any point in time from that point forward, what impact does it have on the mother when that child's life is terminated? Imagine yourself, what impact does it have on you when your child's life is ended? What impact does that have when you back it up in time? It has a profound impact on the individuals involved. It has a profound impact on society. That is why this process must be ended. That is why we must stop partial-birth abortion. It is hurting everyone. It is hurting the society. It is hurting the people involved. It is hurting the child who is killed in this process. And it is hurting everyone.

Elizabeth Cady Stanton, one of the women depicted in the Portrait Monument, foresaw this awful view of human life in a letter she wrote in October to Julia Ward Howe in October of 1873. She said:

> When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

That was in 1873. That quote is applicable today. The Congress must speak against this degradation of human life. These are life issues of enormous consequence and they are issues by which history and eternity will judge us.

Finally, I would like to close with a quote from Mother Teresa, one of my personal heroes. Her concern for the poorest of the poor and her service to them was above reproach. Her work is being carried on today in India and around the world. I am sure it is going to be carried on for years to come.

She once said this:

> Many are concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions being killed by the deliberate decision of their own mothers. And this is the greatest destroyer of peace today—abortion which brings people to such blindness.

And that is why this practice must be ended.

Mr. President, I say to my colleagues, this practice is going to be ended. It is going to end this year. When this body passes this bill, when the conference finally meets, when the conference report comes back and the conference report is passed, when the President signs this into law, this practice is going to stop.

It is going to be the point in time when we as a country start waking up and looking at the huge cost of taking these young lives, of what it has done to us, what it has done to the children, what it has done to the mothers involved, and what it has done to us as a society.

But, thankfully, this procedure is going to end this year. I think then we as a country—and we are now—will start waking up, saying: It just isn't right to take this child's life. You end up with two victims, one dead and one wounded, in the process.

Mr. President, I yield the floor.

EXHIBIT 1

ABORTION HURTSWOMEN—MEDICAL AND PSYCHOLOGICAL TALKING POINTS

1. 43% of American women will have at least one abortion by age 45.

2. In the U.S., over 140,000 women a year have immediate medical complications from abortion.

3. This includes problems such as: infection, uterine perforation, hemorrhaging, cervical trauma, and failed abortion/ongoing pregnancy.

4. Abortion increases a woman's risk of breast cancer by 30%.

5. Childbirth actually protects against cancer of the reproductive system.

6. After an abortion there is a higher risk of developing cervical, and ovarian cancer.

7. Abortion can lead to infertility, a serious long-term complication that often goes undetected for many years.

8. Abortion can lead to complications in future pregnancies including: premature birth, placenta previa, and ectopic pregnancy.

9. In the 2 years following an abortion women have a death rate twice as high as women who continue with their pregnancies.

10. A woman who undergoes an abortion has a suicide risk six times higher than women who have given birth to a child.

11. It is minorities who suffer from the greatest number of serious complications and death after abortion.

12. Psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling found that they experienced a range of problems including: increased use of drugs and/or alcohol to deaden their pain, reoccurring insomnia and nightmares, eating disorders that began after the abortion, suicidal feelings, and many even attempted suicide.

13. Who is at high risk for developing serious emotional and psychological problems following and abortion? Teenagers; Women who already have children; Women who have abortions after 12 weeks gestation; Women who feel pressured into the abortion; Women struggling with value conflicts.

This information is important for every woman to know, but it is especially relevant for parents of teens because of the impact abortion can have on a minor's emotional health, physical health, fertility, and future pregnancies.

REFERENCES

1. Alan Guttmacher Institute 1994 study entitled: ''Unintended Pregnancy in the United States.''

2. This is based on a complication rate of 11% and assuming the yearly abortion rate is 1.3 million U.S. women a year. Most abortion advocates claim the complication rate is only 1%, but this is inaccurate when the data is analyzed. According to the Royal College of Obstetricians and Gynecologists in the UK, the immediate physical complication rate from abortions is at least 11%, primarily infections that can lead to a host of other problems including pain and infertility. The UK statistics have been recently published in January of 2001. See: Royal College of Obstetricians and Gynecologists (UK). The care of women requesting induced abortion: 4. Information for women. 2000.

3. For an extended list of research studies documenting these health risks and many others, please see Detrimental Effects of Abortion: An Annotated Bibliography With Commentary Ed. Thomas W. Strahan, published by Acorn Books, Springfield IL, © 2001.

4. Brind J, Chinchilli VM, Severs WB, Summy-Long J. Induced abortion as an independent risk factor for breast cancer: a comprehensive review and meta-analysis. Journal of Epidemiology and Community Health 1996 Oct. 50(5):481–496.

It is important to note that abortion advocates completely deny these findings, this includes many researchers in the U.S. medical community. But a careful study of international literature indicates a strong correlation between abortion and breast cancer. Much like tobacco companies in the past have simply denied that cigarettes endanger the health of their customers, abortion advocates simply deny any research that indicates that abortion is harmful to women's

health and increases their risk for breast cancer.

5. Albrektsen G, Heuch I, Tretli S, Kvale G. Is the risk of cancer of the corpus uteri reduced by a recent pregnancy? A prospective study of 765,756 Norwegian women. International Journal of Cancer 1995 May 16;61(4):485–90, p. 485.

6. La Vecchia C, Negri E, Franceschi S, Parazzini F. Long-term impact of reproductive factors on cancer risk, International Journal of Cancer 1993 January 21;53(2):215–9, p. 217.

Albrektsen G, Heuch I, Tretli S, Kvale G. Is the risk of cancer of the corpus uteri reduced by a recent pregnancy? A prospective study of 765,756 Norwegian women. International Journal of Cancer 1995 May 16;61(4):485–90, p. 485.

Kvale G, Heuch I. Is the incidence of colorectal cancer related to reproduction? A prospective study of 63,000 women. International Journal of Cancer 1991 February 1;47(3):390–5, p. 392.

7. Frank P, McNamee R, Hannaford PC, Kay Cr, Hirsch S. The effect of induced abortion on subsequent fertility. British Journal of Obstetrics and Gynaecology 1993 June;100(6):575–80.

Heisterberg L, Kringelbach M. Early complications after induced first-trimester abortion. Acta Obstetricia et Gynacologica Scandanavica 1987:66(3):201–4, p. 204.

8. Barrett JM, Boehm FH, Killam AP. Induced abortion: a risk factor for placenta previa. American Journal of Obstetrics and Gynecology 1981 December 1;141(7):769–72.

Rose GL, Chapman MG. Aetiological factors in placenta praevia—a case controlled study. British Journal of Obstetrics and Gynecology 1986 June;93(6):586–8.

Taylor VM, Kramer MD, Vaughan TL, Peacock S. Placenta previa in relation to induced and spontaneous abortion: a population-based study. Obstetrics and Gynecology 1993 July;82(10:88–91; p. 91.

Michalas S, Minaretzis D, Tsionou C, Maos G, Kioses E, Aravantinos D. Pelvic surgery, reproductive factors and risk of ectopic pregnancy: A case controlled study. International Journal of Gynecology and Obstetrics 1992 June;38(2):101–5, pp. 101, 103.

Luke B. Every Pregnant Woman's Guide to Preventing Premature Birth. 1995 [foreword by Emile Papiernik], New York: Times Books; p. 32.

9. Reardon, David C., Philip G. Ney, Fritz Scheuren, Jesse Cougle, Priscilla K. Coleman, and Thomas W. Strahen, Deaths Associated With Pregnancy Outcome: A Record Linkage Study of Low Income Women. Southern Medical Journal. Vol. 95. No. 8. Aug 2002.

This statistic is important to note because many of these deaths are due to complications from the abortion and are documented as such. Thus, the presenting cause of death will be the complication, not the abortion that caused it.

10. Gissler M, Kauppila R, Merlainen J. Toukomaa H, Hemminki E, Pregnancy-associated deaths in Finland 1987–1994; register linkage study, British medical Journal 1996 December 7, 313(7070):1431–4.

11. Goldner TE, Lawson HW, Xia Z, Atrash Hk. Surveillance for ectopic pregnancy—United States, 1970–1989. Morbidity and Mortality Weekly Report, Centers for Disease Control Surveillance Summary 1993 December; 42((SS–6)):73–85.

Council on Scientific Affairs AMA. Induced termination of pregnancy before and after Roe v Wade. Trends in the mortality and morbidity of women. Journal of the American Medical Association 1992 December 9;268(22):3231–9.

12. The Post Abortion Review, 2, (3): 4–8, Fall 1994, published by the Elliott Institute, PO Box 7348, Springfield, IL 62791–7348. It is important to note that many in the psychiatric community deny any serious emotional trauma after an abortion, but this has happened under similar circumstances before. It took years for the medical community to recognize Post Traumatic Stress in Vietnam veterans; ironically women who have undergone abortion often fit the profile of someone suffering from Post-Traumatic Stress according to the Diagnostic and Statistical Manual IV (standard for diagnosis of psychiatric illness in the United States).

13. The Post Abortion Review, 2, (3): 4–8, Fall 1994, published by the Elliott Institute, Springfield, IL. See also Forbidden Grief: The Unspoken Pain of Abortion by Theresa Burke, Ph.D, Acorn Books, Springfield, IL, © 2002 for more information on the emotional and physical pain women go through after an abortion.

Statistics and citations taken from a compilation of studies in: Women's Health after Abortion: the Medical and Psychological Evidence by Elizabeth Ring-Cassidy and Ian Gentles. Published by the Toronto based de Veber Institute for Bioethics and Social Research 2002. Page 52 makes a very important note on this highly politicized issue: ''There is a marked tendency in the North-American literature on abortion for researchers to minimize their own findings. Those interested in the subject are well advised to read the numerical data and compare them carefully with the abstract or conclusions, rather than relying on either the abstract or conclusions alone. Comparisons are also recommended with literature from European countries, particularly Great Britain and the Scandinavian countries, where population size and sophisticated medical linkage data bases make data collection more accurate and comprehensive.''

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENT CHENEY'S TIES TO HALLIBURTON

Mr. LAUTENBERG. Mr. President, I rise to discuss a disturbing development that has just come to light. This development questions Vice President CHENEY's continuing financial ties to Halliburton, the oil services company he once headed.

This past Sunday, the Vice President made the following statement to Tim Russert on ''Meet the Press.'' I quote from that statement. The Vice President said:

Since I left Halliburton to become George Bush's Vice President, I've severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

After he made that statement, my curiosity led me to take a look at the Vice President's financial disclosure records. What I saw in those reports was completely at odds with what he said on television Sunday morning. Vice President CHENEY's official financial disclosure filings with the Office of Government Ethics reveals that not only does the Vice President continue to have financial ties to Halliburton but also that Halliburton is continuing to provide personal financial benefits to the Vice President.

In the years 2001 and 2002, the Vice President received large ''deferred salary'' payments from Halliburton. In 2001, Halliburton paid Vice President CHENEY $205,298 in salary, and in 2002 Halliburton paid Vice President CHENEY $162,392 in salary. He is scheduled to receive similar payments this year, 2003, and in 2004 and 2005. That is a pretty strong ''financial tie,'' in my view. If you ask every-day Americans if someone has a financial interest in a company that pays them annual compensation, I am certain the answer would be universally ''yes.''

Deferred salary is not a retirement benefit or a payment from a third-party escrow account but, rather, an ongoing corporate obligation that is paid from company funds. If a company were to go under, the beneficiary could lose the deferred salary.

In an attempt to mitigate the Vice President's continuing financial interest in Halliburton, his financial statement disclosure form says he ''acquired'' an insurance policy ''to ensure that he will receive the equivalence of his remaining deferred compensation account with Halliburton.'' The terms of this insurance policy, its costs, and who paid for it are still unclear.

In addition, Vice President CHENEY continues to hold 433,333 unexercised Halliburton stock options. At the end of 2002, Vice President CHENEY's financial disclosure form stated he continued to hold these options, although the exercise prices are above the company's current stock market price. Even though these exercise prices are above current values, these options could in the future bring a substantial windfall, if Halliburton's earnings in stock value continue to grow as it benefits from large government contracts.

This morning, I looked at a chart that showed Halliburton's stock value and its growth from October of last year until the current time. It has grown by about 75 percent while the rest of the industry has remained flat over the years.

These options could bring, as I said, a substantial windfall if earnings in stock values continue to grow—I repeat—because of the value I find people have placed on Halliburton stock resulting in some pretty good contracts they have gotten in dealing with issues in Iraq.

The Vice President has signed an agreement, he said, to donate any profits from these stock options to charity, and has pledged not to take any tax deduction for the donation. Alternatively, he doesn't have to pay taxes on the value growth he would have otherwise paid. But should Halliburton stock prices increase over the next few years, the Vice President could exercise the stock options for substantial profits benefiting not only his designated charity but also providing Halliburton with a substantial tax deduction.

The issue is simple. Vice President CHENEY claims he has no financial ties to Halliburton, but his own financial disclosure report says otherwise. The American people deserve to know about this relationship with Halliburton. He may argue he has structured deals to minimize his financial windfall from his Halliburton arrangements, but he clearly still has ''financial ties'' to the company.

The fact that Halliburton received an enormous contract without a competitive bid or public disclosure—it was the subject of debate which we had on this floor—it was then agreed that all contracts dealing with Iraq and its reconstruction would be part of the public record.

Back in May, I wrote to the chairman of the Governmental Affairs Committee requesting hearings on the no-bid contracts awarded to Halliburton in Iraq. I believe these developments now make it even more important for the Senate to hold hearings. I renew my plea to the Governmental Affairs Committee to hold hearings on the administration's initial contracts with Halliburton.

Just this week, we learned that Halliburton's no-bid contract with the Army Corps has increased from $700 million to nearly $1 billion. It is a lot of money.

The American people deserve answers to these serious questions concerning government ethics and accountability.

I also believe it is in the interest of the administration to cooperate so the air can be cleared and the record set straight so we know once and for all whether the Vice President admits publicly that he has a financial tie with Halliburton or continues to deny it, despite the written record filed with the Senate Ethics Committee.

FUNDING FOR WILDFIRES

Mr. BURNS. Mr. President, as we are rolling along, trying to complete our work on appropriations, it won't be long that we will have the appropriations for the Interior Department on the Senate floor. I would just like to bring my colleagues up to date on some of the challenges we will be facing and how we probably have to come up with some imagination to take care of some of the problems.

We watched the weather reports from my State of Montana. Montana has had an unusually hot, dry summer. We have also been plagued with wildfires this year. In fact, the lion's share of the fires has been in my State. I want to speak for a moment on something I think has great importance—the need to provide additional funds to the Forest Service and the Department of the Interior to pay for the cost of fighting this year's wildfires.

Nationwide, the numbers are staggering. Once again, we have suffered a terrible fire season. Little does America know, 27 firefighters lost their lives this year in the line of duty. Over 789 homes and other structures have been destroyed, and 2.8 million acres have burned. During the recent Labor Day weekend, 25,000 firefighters were working on fires in every State in the West.

As in 2000, my home State of Montana has been hit by the largest share of the damage. In fact, for much of the summer, half of the total acres burning in the whole Nation were burning in Montana. So far we have lost 600,000 acres, and the fire continues today. Weather conditions, with cooler temperatures and 2.5 inches of rain this week reported in Big Fork, MT, have helped. But there are still 20 fires that have the potential of blowing up unless the moisture continues.

During the August break, I saw the devastating impact of these fires on our parks, forests, and communities firsthand. The fires were so bad that portions of Glacier National Park and Yellowstone Park were closed to the public for many days, as were many national forest lands and, this time, wildlife refuge lands. The impact of these fires is catastrophic, not only on the land but also on the people.

During July and August, hundreds of residents were evacuated as 80 fires burned out of control throughout Montana. Roughly 125 structures were destroyed, and that included 23 homes.

Fighting these fires is expensive. The Forest Service has been spending as much as $20 million a day on firefighting alone. Total expenditures this fiscal year will approach $1 billion. That is taxpayer money. In order to pay for these extraordinary costs, the Forest Service has been forced to borrow $595 million from other nonfire accounts. The Department of the Interior has borrowed $100 million already and is expected to borrow at least $50 million more before the fire season is over. Putting it in a conservative manner, the two agencies together will borrow $850 million from other accounts to fight fires this fiscal year.

Prior to the August recess, the President and the administration submitted a supplemental request for $289 million for fire suppression. My colleagues may recall, I was angry when the House ultimately sent us a supplemental that did not include these funds. In my view, it was highly irresponsible since the fire season was well under way and we knew those funds would be needed.

At this stage, it may be just as well that the House omitted these funds. The pending supplemental request is now totally inadequate in light of what has transpired over the last month. If we were to approve only the pending administration request, we would leave the Forest Service and the Department of the Interior with a combined shortfall in other programs of between $550 and $600 million.

What would be the impact of this? In a word—substantial. The issue is not whether fires will or won't be fought when necessary. Both agencies will continue to protect life, property, and the important natural resources wherever possible. The issue is what won't get done if we fail to repay the accounts that have been raided.

Last year, we were in a similar situation. Both the Forest Service and the Interior borrowed heavily from nonfire accounts. This caused both agencies to stop work on certain things until those amounts were repaid and that account replenished. In the end, we only repaid about 60 cents on every dollar borrowed, which was the amount proposed by the administration in its supplemental request.

The impacts of this shortfall were very real, but the agencies managed to keep most programs above water by managing carryover, canceling defunct projects, and reducing the scope of projects. But as a result of last year's shortfall, this low-hanging fruit is gone.

If we do not act soon to repay in full—and that is my intent, to repay in full the amounts borrowed during the fiscal year 2003—the impacts will be far greater. A wide variety of programs will be deeply affected—from endangered species monitoring to facilities construction, from land acquisition to recreation management, from the processing of grazing permits to the sale of timber. Failing to repay the amounts borrowed will affect all of these things. It amounts to a de facto rescission of funds appropriated by Congress just 6 months ago.

To my colleagues from over the Nation, I would say this is not just a western problem simply because that is where most of the fires burn. It is a problem for every State in the Union because the funds are effectively being borrowed from every State. They are being borrowed in many cases from projects and programs that were funded at the specific request of every Member in this body. If the amounts are not repaid, those amounts will permanently be taken from many of those same projects and programs again. Maybe it will come from a National Park Service construction project. Maybe it will be in Massachusetts. Maybe it will come from land acquisition in Arizona. Maybe it will come out of grazing management in Colorado. More than likely, it will come from all that I have mentioned.

The use of borrowing authority to fight fires is not necessarily a bad thing. It is a reasonable mechanism when the amounts being borrowed are

relatively modest, when sufficient carryover funds are readily available, or when the borrowed amounts are ultimately repaid. But the borrowing has become routine. The amounts involved are massive. We no longer have large carryover amounts in other accounts, and we have habitually not repaid the full amount that was borrowed.

It is a terrible, inefficient way to run a program.

In the past, both the Congress and the administration have been guilty of playing budgetary games with fire suppression funding, but the current situation is only a faint reflection of that fact. Congress included in the fiscal year 2003 appropriations bill essentially the same amounts that were requested by the administration for wildlife fire management. That amount, in turn, was determined by using the 10-year average cost of fire suppression. But that 10-year average no longer is reasonable or a reasonable benchmark for a number of reasons.

Look at our forests. Fuel loads on the floors of our forests are increasing. Increasing costs of personnel and equipment are fully reflected in the 10-year average, and the wildland-urban interface is expanding, which increases the cost of fire suppression.

I think Congress and the administration need to deal with these issues, particularly hazardous fuel loads. But that will not happen overnight, and it does not change the situation we are in today.

To be clear, I have no interest in giving the Forest Service or the Department of the Interior a blank check to fight fires. We must continue to seek ways to reduce costs, and that is why the Appropriations Committee has asked the National Academy of Public Administration to study recent trends in firefighting costs. But while that academy did find some areas for improvement, it found no smoking gun, and there is no silver bullet.

The system is broken, Mr. President, and the administration must work with us to fix it. It cannot rationally expect to produce cost containment in one program by starving the life out of others.

In the short term, we must enact a supplemental that fully repays the amounts they borrowed during fiscal year 2003. I call on the administration to send us another supplemental request for these amounts.

For the longer term, we have to have annual budget requests that more adequately reflect the current reality of suppression costs. We also need to take another look at borrowing authority we traditionally have provided these agencies.

Unless adequate action has already been taken on the impending supplemental, I expect to offer amendments on this subject when the Interior appropriations bill comes to the floor. I hope these amendments will be widely supported by my colleagues.

I appreciate this opportunity to give a little forecast of what is ahead on another appropriations bill because these are tremendous challenges.

I thank the Chair, and I yield the floor.

APPALACHIAN REGIONAL COMMISSION

Mr. FRIST. Mr. President, I rise to express my strong support for the Appalachian Regional Commission, ARC, and to thank Chairman DOMENICI for his leadership and his support to ensure that the Appalachian Regional Commission's fiscal year 2004 funding needs are adequately met.

The ARC was established in 1965 to support economic development in the Appalachian Region. Today, the region includes 410 countries in 13 States, representing a population of more than 23 million. There are 50 counties in Tennessee currently participating in the ARC. Funding provided by Congress is used by the commission to fund locally sponsored projects such as education and workforce training programs, highway construction, water and sewer system construction, leadership development programs, and small business start-ups and expansions.

I am proud that a Tennessean, Anne B. Pope, is currently serving as the Federal Co-Chair of the Commission. In this position, she is working to further the ARC's five primary goals, which include improving education and workforce training, physical infrastructure, civic capacity and leadership, business development, and health care. Each year ARC provides competitive grant funding for several hundred projects to further these goals. In 1965, one in three Appalachian residents lived in poverty. However, by 1990, the poverty rate had been cut in half. ARC programs are helping to shape a brighter future for the Appalachian region by working with local communities to foster economic growth and development.

Last year, Congress reauthorized the ARC's non-highway programs through 2006, and authorized new programs in telecommunications, entrepreneurship, and job-skills training. Moreover, the legislation signed by President Bush reinforced the ARC's commitment to economically distressed counties by mandating that at least half of the Commission's project funding be made available to support activities that benefit distressed areas. These changes will help to create more opportunities for areas still struggling to join the Nation's mainstream economy.

I am proud of the work that the ARC is doing in Tennessee, and I applaud Chairman DOMENICI for his continued support of the ARC's programs. It is my hope that, as we move to conference, we can work together to ensure that the ARC's funding needs continue to be met.

THE FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. DASCHLE. Mr. President, ''A government of the people, by the people and for the people.'' In his immortal description of American democracy, President Lincoln made self-government sound almost easy.

The truth is, democracy is challenging, continuous work. No war, no sacrifice made by one generation—no matter how enormous—can sustain our democracy forever. Ultimately, each generation of Americans must do the work of democracy itself or our democracy atrophies.

''Civic education'' is the term we use to describe the process by which we transmit the knowledge, skills and attitudes that people need in order to be responsible citizens. It is at least as important to the future of our democracy as our economic might or our military power. For that reason, I am very pleased to announce today that the Joint Leadership of the Congress of the United States will host a 3-day Congressional Conference on Civic Education later this month—September 20, 21, and 22.

This Congressional Conference on Civic Education will bring together educators and other experts from every State to focus national attention on the state of civic education in America. I am honored to serve as an honorary host for the conference, along with the majority leader, Senator FRIST, and our counterparts in the House, Speaker HASTERT and Democratic Leader PELOSI.

It is our hope and our expectation that the conference will help launch a nationwide movement, and produce strategic plans to strengthen civic education and civic participation at every level of government—local, State, and national. It is the first of five annual civic education conferences planned by the Joint Leadership.

The goals of this first conference include: increasing public understanding of America's representative democracies and the need for Americans to play a responsible role in their Government; underscoring for policymakers that America's schools play a critical role in preparing students for effective citizenship, and expanding the opportunities for policymakers to participate in carrying out this civic mission; and encouraging the formation of State delegation working groups that will take the lead in improving civic education in their respective States.

The Congressional Conference on Civic Education is a fitting and appropriate way for Congress to join the Nation in commemorating Citizenship Week.

The conference is a project of the Alliance for Representative Democracy, a national project designed to reinvigorate and educate Americans on the critical relationship between Government and the people it serves. The Alliance's members are the National Conference of State Legislatures, the Center on Congress at Indiana University, and the Center for Civic Education. The Alliance for Representative Democracy project is funded by the U.S. Department of Education by act of Congress.

There is no more important or urgent task facing our Nation than making sure that this and future generations of Americans have the skills, knowledge and attitudes required to maintain this Government ''of the people, by the people and for the people.''

Every State delegation attending this first annual Congressional Conference on Civic Education will identify its own specific goals for improving civic engagement in our society and citizenship education in our schools.

I am sure my colleagues join me in applauding the dedicated educators and others who will be traveling to Washington from all over the country for this important conference. We thank them for their time and their commitment to this worthy endeavor. We look forward to hearing their ideas—and hearing about their progress at the second annual Congressional Conference on Civic Education in September 2004.

Among those who are volunteering their time and energy to make this conference possible, and who deserve special thanks are the following, whose names I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION: CONFIRMED DELEGATION LIST

Alabama: Ms. Janice A. Cowin, State Facilitator; Representative Sue Schmitz, Alabama House; Dr. Ethel Hall, Alabama State Board of Education; Mr. Tom Walker, Executive Director, The American Village Citizenship Trust.

Alaska: Ms. Mary Bristol, State Facilitator; Senator Bettye Davis, Alaska State Senate; Representative John Coghill, House Majority Leader, Alaska House of Representatives; Ms. Esther Cox, First Vice Chair, Alaska Board of Education; Mr. Macon Roberts, Treasurer Anchorage School Board.

Arizona: Ms. Lynda Rasndo, State Facilitator; Senator Tim Bee, Arizona Senate; Representative Linda Gray, Arizona House of Representatives; Ms. Kathy Kay, Arizona Department of Education; Mr. David Garcia, Arizona Center for Public Policy.

Arkansas: Ms. Barbara Patty, State Facilitator; Dr. Daryl Rice, Associate Dean, University of Arkansas; Mr. Frank Smith, Social Studies Supervisor, Pulaski County Schools; Ms. Suzanne McPherson, Fort Smith Schools.

California: Mr. Roy Erickson, State Facilitator; Honorable Frank Damrell, Judge, US District Court, Northern District of California; Senator Jack Scott, California Senate; Ms. Kerry Mazzoni Secretary of Education, Office of Governor; Mr. David Gordon, Superintendent, Elk Grove Unified School District; Ms. Michelle Herczog, Social Studies Coordinator Los Angeles County Schools.

Colorado: Ms. Barbara Miller, State Facilitator; Senator Peter Groff, Colorado State Senate; Representative Shawn Mitchell, Colorado House of Representatives; Mrs. Maria Garcia-Berry, President, CRL Associates; Dr. Jane W. Urschel, Associate Executive Director, Colorado Association of School Boards.

Connecticut: Mr. James Schmidt, State Facilitator; Representative Demetrios Giannaros, Connecticut House of Representatives; Ms. Mary Skelly, Social Studies Coordinator, Middletown, CT; Ms. Martha Press, Social Studies Supervisor, Stratford CT Schools; Mr. Randall Collins, Superintendent, Waterford Schools, Pres. Elect ECS.

Delaware: Mr. Lewis Huffman, State Facilitator; Hon. M. Jane Brady, Attorney General of Delaware; Ms. Valerie Woodruff, Secretary of Education, Delaware Department of Education.

District of Columbia: Ms. Deborah Foster, State Facilitator; Ms. Vanessa (Connie) Spinner, Acting State Education Officer; Dr. Roceal Duke, Social Studies Content Specialist, DC Public Schools.

Florida: Ms. Annette Boyd Pitts, State Facilitator; Representative Curtis Richardson, Florida House of Representatives; Representative Renee Garcia, Florida House of Representatives; Mr. Jack Bovee, Florida Department of Education; Dr. Robert Guiterrez, Professor of Education, Florida State University; Mr. John Doyle, Miami—Dade County Public Schools.

Georgia: Dr. Eddie Bennett, State Facilitator; Senator Joey Brush, Georgia Senate; Representative Bob Holmes, Georgia House of Representatives; Ms. Janet Wiley, President, Georgia Association of Curriculum and Instructional Supervisor; Ms. Robynn Holland, Social Studies Coordinator, State Department of Education; Ms. Stephanie Caywood, Office of the Secretary of State.

Hawaii: Dr. Lyla Berg, State Facilitator; Senator Ron Menor, Hawaii Senate; Representative Roy Takumi, Hawaii House of Representatives; Mr. Sherwood Hara, State Board of Education; Mr. Roger Takabayashi, President Hawaii State Teachers's Association.

Idaho: Dr. Dan Prinzing, State Facilitator; Dr. Marilyn Howard, Superintendent of Public Instruction; Senator Denton Darrington, Idaho Senate; Mr. Tim Hurst, Chief Deputy, Secretary of State; Mr. Doug Oppenheimer, Oppenheimer Development Company.

Illinois: Dr. Frederick D. Drake, State Facilitator; Senator Steven Rauschenberg, Illinois Senate, Vice President, NCSL; Representative Suzanne Bassi, Illinois House of Representatives; Dr. Darlene Ruscitti, Regional Superintendent, DuPage County Schools; Ms. Maggie Oleson, Legislative Consultant, State Farm Insurance Co.; Dr. John Craig, Social Science Assessment, Illinois Board of Education; Mr. Jon Schmidt, Service Learning Manager, Chicago Public Schools.

Indiana: Dr. John J. Patrick, State Facilitator; Mr. Peter Bomberger, Attorney at Law, Chair Citizenship Education Committee, IN Bar; Mr. Lynn R. Nelson, Ackerman Center for Democratic Citizenship, Purdue University; Dr. Sharon Brehm, Chancellor, Indiana University.

Iowa: Mr. Jason Follett, State Facilitator; Honorable Chet Culver, Secretary of State of Iowa; Senator Nancy Boettger, Iowa State Senate; Dr. Jeffrey Cornett, Dean College of Education, University of Northern Iowa.

Kansas: Mr. Dave Dubois, State Facilitator; Senator Dwayne Umbarger, Kansas State Senate; Dr. Alexa Pochowski, Assistant Commissioner of Education.

Kentucky: Ms. Deborah Williamson, State Facilitator; Senator Jack Westwood, Kentucky Senate; Representative Tanya Pullin, Kentucky House of Representatives; Ms. Cicely Jaracz Lambert, Director, Kentucky Administrative Office of the Courts; Ms. Natalie Stiglitz, Social Studies Consultant, Kentucky Department of Education.

Louisiana: Ms. Maria Yiannopoulos, State Facilitator; Mr. William Miller, Special Assistant to the Superintendent of Education; Mr. R. Edward Hunt, Louisiana Center for Law and Civic Education; Ms. C. Kevin Hayes, Attorney At Law, Roedel, Parsons, Koch, Frost, Balhoff & McCollister; Mr. Jimmy Fahrenholtz, Member Orleans Parish School Board & Attorney At Law.

Maine: Ms. Julia Underwood, State Facilitator; Mr. Patrick Phillips, Maine Department of Education; Ms. Crystal Ward, Maine Education Association; Mr. Richard Lyons, Superintendent Hampden Academy, Past Pres. ME Superintendent's Assn.

Maryland: Ms. Marcie Taylor-Thoma, State Facilitator; Ms. Sharon Cox, Vice President, Montgomery County Board of Education; Delegate John Hurson, Maryland House of Delegates, President—Elect, NCSL; Delegate David D. Rudolph, Maryland House of Delegates.

Massachusetts: Ms. Diane Palmer, State Facilitator; Senator Richard T. Moore, Massachusetts State Senator; Representative Dan Bosley, Massachusetts House of Representatives; Dr. Sheldon Berman, Superintendent, Hudson Public Schools; Ms. Susan Wheltle, Massachusetts Department of Education.

Michigan: Ms. Linda Start, State Facilitator; Senator Ron Jelenik, Michigan State Senate; Representative Hoon-Yung Hopgood, Michigan House of Representatives; Ms. Kathleen Strauss, President State Board of Education; Mr. John Lore, Executive Director, Connect Michigan Alliance; Mr. Eric Rader, Policy Division, Office of the Governor; Ms. Leslie Salba, DC Office of the Governor.

Minnesota: Mr. Rick Theisen, State Facilitator; Senator Steve Kelley, Majority Whip, Minnesota State Senate; Mr. Charlie Skemp, Social Studies Specialist, Minnesota Department of Education; Ms. Mary Ann Van Hooten, State Department of Education; Ms. Lisa Wilde, Minnesota Bar Association, National Mock Trial.

Mississippi: Dr. Susie Burroughs, State Facilitator; Senator Alice Harden, Mississippi State Senate; Representative Mike Lott, Mississippi House of Representatives; Dee Chambliss, Assistant Secretary of State for Education and Publications; Ms. Judith Couey, Bureau Director, Mississippi Department of Education.

Missouri: Ms. Millie Aulbur, State Facilitator; Dr. Kent King, Commissioner, Department of Elementary and Secondary Education; Representative Sharon Sanders Brooks, Missouri House of Representatives; Representative Walter Bivins, Missouri House of Representatives; Mr. Stan Johnson, Superintendent, School of the Osage.

Montana: Dr. Bruce Wendt, State Facilitator; Senator Sam Kitzenberg, Montana Senate; Representative Gary Branae, Montana House of Representatives; Ms. Stephanie Wasta, School of Education, University of Montana.

Nebraska: Mr. Mitch McCartney, State Facilitator; Honorable John Gale, Secretary of State, State of Nebraska; Senator DiAnna Schimek, Nebraska Unicameral; Mr. Joe Higgins, Member, State Board of Education; Ms. Lauren Hill, Education Assistant to the Governor.

Nevada: Ms. Judith Simpson, State Facilitator; Representative William Horne, Nevada House of Representatives; Mr. Larry Struve, Chairman, NV Advisory Committee on Participatory Democracy; Dr. Keith Rheault, Deputy Superintendent, NV Dept. of Education.

New Hampshire: Mr. Mica B. Stark, New Hampshire Institute of Politics, State Facilitator; Mr. Andrei Campeanu, President, ATE Media Services.

New Jersey: Ms. Arlene Gardner, State Facilitator; Assemblyman Craig Stanley, New Jersey House; Ms. Lucille Davey, Education Assistant to the Governor; Mr. John Dougherty, State Department of Education.

New Mexico: Ms. Dora Marroquin, State Facilitator; Representative Rick Miera, New Mexico House of Representatives; Ms. Virginia Trujillo, State of New Mexico Office of the Governor; Dr. Joseph Stewart, Professor, University of New Mexico.

New York: Professor Stephen Schechter, State Facilitator; Ms. Rita Lashway, Deputy Executive Director, New York State School Boards Association; Mr. A. Thomas Levin, President, New York State Bar Association; Ms. Gail Kelly, President, New York Council of Educational Associations.

North Carolina: Ms. Debra Henzey, State Facilitator; Senator Joe Sam Queen, North Carolina Senate; Representative Linda Johnston, North Carolina House of Representatives; Ms. Maria Theresa Unger Palmer, Member North Carolina Board of Education; Ms. Susan Giamportone, North Carolina Bar Association; Ms. Tracey Greggs, Department of Public Instruction Social Studies Section; Ms. Carol Vogler, Career Center High School, Past Pres. Carolina Council for the Social Studies.

North Dakota: Mr. Phil Harmeson, Co-State Facilitator; Senator Ray Holmberg, Co-State Facilitator; Representative Dennis Johnson, North Dakota House of Representatives; Honorable Wayne Stenehjem, Attorney General, State of North Dakota; Honorable Mary Maring, Justice North Dakota Supreme Court.

Ohio: Mr. Jared Reitz, State Facilitator; Representative Dixie Allen, Ohio House of Representatives; Dr. Donald Stenta, Associate Director, the John Glenn Institute; Mrs. Patricia Allen Day, Roosevelt Center, Dayton Public Schools; Ms. Linda Petz, Stark Educational Service Center; Mr. Frank Underwood, Assistant Director, Ohio Community Service Council.

Oklahoma: Mr. Michael Reggio, State Facilitator; Representative Bill Nations, Oklahoma House; Ms. Lisa Pryor, Learn & Serve Coordinator State Dept. of Education; Ms. Gina Wekke, Sr. Coordinator, Oklahoma Regents for Higher Education; Ms. Denise Rhodes, Oklahoma Council for the Social Studies; Ms. Lyndal Caddell, Noble Middle School.

Oregon: Ms. Barbara Rost, State Facilitator; Senator Ryan Deckert, Oregon State Senate; Representative Pat Farr, Oregon House of Representatives; Mr. James Sager, Educational Policy Advisor, Office of the Governor; Mr. Pat Burk, Associate Superintendent Federal Programs, Department of Education.

Pennsylvania: Ms. Frances J. Warren, State Facilitator; Representative Jess Stairs, Pennsylvania House of Representatives; Mr. Albert Cunningham, Superintendent, Montoursville Area School District; Mr. James Wetzler, Social Studies Coordinator, Pennsylvania Department of Education.

Rhode Island: Mr. Michael Trofi, State Facilitator; Honorable Matt Brown, Secretary of State of Rhode Island; Senator Hanna Gallo, Rhode Island State Senate; Representative Susan Story, Rhode Island House of Representatives; Ms. Maria Escudero, Office of the Secretary of State; Mr. James Parisi, Field Representative, RI Federation of Teachers & Health Professionals.

South Carolina: Mr. Paul Horne, State Facilitator, Invited; Senator Warren Giese, South Carolina State Senate; Representative Robert Walker, South Carolina House; Dr. Harriett L. Rucker, State School Board; Mr. James Bryan, Education Associate, Department of Education.

South Dakota: Dr. Jack Lyons, State Facilitator; Senator Drue Vitter Lange, South Dakota House of Representatives; Ms. Glenna Fouberg, President South Dakota School Board.

Tennessee: Ms. Janis Kyser, State Facilitator; Senator Randy McNally, Tennessee State Senate; Representative Beth Harwell, Tennessee House of Representatives; Representative Joe Towns, Jr., Tennessee House of Representatives; Mr. Richard Ray, Chairman State School Board; Mr. Bruce Opie, Legislative Liaison, Department of Education; Dr. Ashley Smith Jr., President Tennessee Middle School Association.

Texas: Mrs. Jan Miller, State Facilitator; Judge Royal Furgeson, U.S. District Court Judge, Western District of Texas; Mr. George Rislov, Director of Social Studies, Texas Education Agency; Mr. Hugh Akin, Executive Director, Hatton W. Sumner Foundation; Ms. Carlen Floyd, State Board for Teacher Certification; Ms. Patricia Ann Hardy, Member State Board of Education.

Utah: Ms. Kathy Dryer, State Facilitator; Chief Justice Christine M. Durham, Utah Supreme Court; Senator Howard A. Stephenson, Utah State Senate; Representative LaVar Christensen, Utah House of Representatives; Ms. Janet Canon, Vice President, State Board of Education.

Vermont: Vee Gordon State Facilitator, Senator Matt Dunne, Vermont State Senate; Representative Malcolm Severance, Vermont House; Mr. Patrick Burke, Principal South Burlington High School.

Virginia: Mr. Andrew Washburn, State Facilitator, Delegate James Dillard, Virginia House of Delegates; Ms. Susan Genovese, Vice President, Virginia Board of Education; Dr. Patricia Wright, Assistant State Superintendent of Education.

Washington: Mrs. Kathy Hand, State Facilitator, Dr. Terry Bergeson, State Superintendent of Public Instruction; Senator Steve Johnson, Washington State Senate; Representative Dave Quall, Washington House of Representatives, Representative David Upthegrove, Washington House of Representatives; Mr. Steve Mullin, Vice President, Washington State Roundtable.

West Virginia: Mrs. Priscilla Haden, State Facilitator, Member, State Board of Education; Delegate Ray Canterbury, West Virginia House of Delegates; Dr. David Stewart, State Superintendent, West Virginia Department of Education; Mr. William Raglin, President, West Virginia School Boards Association; Ms. Sharon Flack, Social Studies Supervisor, State Department of Education.

Wisconsin: Ms. Dee Runaas, State Facilitator; Honorable Elizabeth A. Burmaster, Superintendent of Public Instruction; Senator Robert Jauch, Wisconsin State Senate; Representative Luther S. Olsen, Wisconsin House of Representatives; Mr. Richard Grobschmidt, Assistant State Superintendent of Education; Ms. Kori Oberle, Wisconsin Educational Communications Board.

Wyoming: Mr. Matt Strannigan, State Facilitator; Senator Mike Massie, Wyoming State Senate; Representative Rosie Berger, Wyoming House of Representatives; Ms. Sheri Tavegie, State Department of Education.

U.S. POLICY IN IRAQ

Mr. LEVIN. Mr. President, I would like to share with my colleagues the recent remarks of our former colleague Senator Max Cleland concerning U.S. policy in Iraq.

This is a passionate, powerful speech by a true American hero whose tremendous service to, and personal sacrifice for, this country should make of all of us mindful of his cautions and warnings. I ask unanimous consent that former Senator Cleland's speech by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[DSCC Iraq Policy Forum, Washington, DC, Sept. 15, 2003]

DISASTER IN THE DESERT

(Former Senator Max Cleland, D–Georgia)

''The public had been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information,'' he said. ''The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. He added: ''We are today not far from a disaster''—T.E. Lawrence The Sunday Times of London August 22, 1920.

Let me see if I can get this straight.

The President of the United States decides to go to war against a nation led by a brutal dictator supported by one party rule. That dictator has made war on his neighbors. The President decides this is a threat to the United States. In his campaign for President he gives no indication of wanting to go to war. In fact, he decries the over-extension of American military might and says other nations must do more. However, unbenounced to the American public, the President's own Pentagon advisors have already cooked up a plan to go to war. All they are looking for is an excuse.

An element of the U.S. military is under attack. The President, his Secretary of Defense and his advisors sell the idea to Congress and the American people that it is time to go to war. Based on faulty intelligence, cherry-picked information is fed to Congress and the American people. The President goes on national television to explain the case for war, using as part of the rationale for the war an incident that never happened. The Congress buys the bait hook, line and sinker and passes a resolution giving the President the authority to use ''all necessary means'' to prosecute the war.

The war is started with an air and ground attack. Initially there is optimism. The President says we are winning. The cocky, self-assured Secretary of Defense says we are winning. As a matter of fact, the Secretary of Defense promises the troops will be home soon.

However, the truth on the ground that the soldiers face in the war is different than the political policy that sent them there. They face increased opposition from a determined enemy. They are surprised by terrorist attacks, suicide bombers, village assassinations, increasing casualties and growing anti-American sentiment. They find themselves bogged down in a guerrilla land war, unable to move forward and unable to disengage because there are no allies in the war to turn the war over to. There is no plan B. There is no exit strategy. Military morale declines. The President's popularity sinks and the American people are increasingly frustrated by the cost of blood and treasure poured into a never-ending war.

Sound familiar? It does to me!

The President was Lyndon Johnson.

Got Ya!

The cocky, self-assured Secretary of Defense was Robert McNamara.

Got ya again!

The Congressional resolution was the Gulf of Tonkin resolution.

You are catching on!

The war was the war that me, John Kerry, Chuck Hagel, John McCain and three and-a-half million other Americans of our generation were caught up in. It was the scene of America's longest war. It was also the locale

of the most frustrating outcome of any war this nation has ever fought.

Unfortunately, the people who drove the engine to get into the war in Iraq never served in Vietnam.

Not the President.

Not the Vice-President.

Not the Secretary of Defense.

Not the Deputy Secretary of Defense.

Too bad. They could have learned some lessons.

First, they could have learned not to underestimate the enemy. The enemy always has one option you cannot control. He always has the option to die. This is especially true if you are dealing with true believers and guerrillas fighting for their version of reality—whether political or religious. They are what Tom Friedman of the New York Times calls the ''non-deterables.'' If those non-deterables are already home in their country, they will be able to wait you out until you go home.

Second, if the enemy adopts a 'hit and run' strategy designed to inflict maximum casualties on you, you may win every battle but the battles you fight (as Walter Lippman once said about the Vietnam War,) can't win the war.

Third, if you adopt a strategy of not just preemptive strike but also preemptive war you own the aftermath. You better plan for it. You better have an exit strategy because you cannot stay there indefinitely unless you make it the 51st state. If you do stay an extended period of time, you then become an occupier, not a liberator. That feeds the enemy against you.

Fourth, if you adopt the strategy of preemptive war, your intelligence must be not just ''darn good,'' as the President has said, it must be ''bullet proof,'' as Secretary Rumsfeld claimed the administration had against Saddam Hussein. Anything short of that saps credibility.

Fifth, if you want to know what is really going on in the war, ask the troops on the ground, not the policy makers in Washington. The ''ground truth,'' as the soldiers call it, is always more accurate than the truth expounded through the mouths of those who plan the war and have a political, personal and emotional investment in their policy. They will bend any fact, even intelligence, to their own ends. If the ground truth and the policy truth begin to diverge, ''Shock and Awe'' will turn into what one officer in Iraq has described as, ''Shock and Awe S__!''

Sixth, in a democracy instead of truth being the first casualty in war, it should be the first cause of war. It is the only way the Congress and the American people can cope with getting through it. As credibility is strained, support for the war and support for the troops goes downhill. Continued loss of credibility drains troop morale, the media becomes more suspicious, the public becomes more incredulous and the Congress is reduced to hearings and investigations.

Instead of learning the lessons of Vietnam, where all of the above happened, the President, the Vice-President, the Secretary of Defense and the Deputy Secretary of Defense have gotten this country into a disaster in the desert. They attacked a country that had not attacked us. They did so on intelligence that was faulty, misrepresented and highly questionable. A key piece of that intelligence was an out-right lie which the White House put into the President's State of the Union speech. These officials have over-extended the American military, including the Guard and the Reserve and expanded the United States Army to the breaking point. A quarter of a million troops are committed to the Iraq war theater, most bogged down in Baghdad. Morale is declining and casualties continue to increase. In addition to the human cost, the funding of the war costs a billion dollars a week, adding to the additional burden of an already depressed economy.

The President has declared ''major combat over'' and sent a message to every terrorist, ''Bring them on.'' As a result, he has lost more people in his war than his father did in his and there is no end in site.

Military commanders are left with extended tours of duty for servicemen and women, told long ago they were going home, and keeping American forces on the ground where they have become sitting ducks in a shooting gallery for every terrorist group in the Middle East.

Welcome to Vietnam, Mr. President. Sorry you didn't go when you had the chance.

HONORING OUR ARMED FORCES

Mr. JEFFORDS. Mr. President, on Friday, September 19, 2003, Vermonters will gather in Proctor, VT, for a happy, yet solemn occasion. They will assemble on that day to reopen Proctor's Marble Arch Bridge and to dedicate a memorial to SGT Justin Garvey, United States Army, 101st Airborne Division.

The joy will be in the celebration of the new bridge, a centerpiece of Proctor's infrastructure. It is the town's only bridge to span Vermont's longest river, the Otter Creek. Originally constructed in 1915, the new bridge will reestablish an historic gateway between the east and west of Justin's home community.

Proctor's Marble Arch Bridge, adorned with Highland Marble quarried from beneath Vermont's grand mountains, is an elegant example of artistry, craftsmanship and heritage, values that we Vermonters cherish and respect.

SGT Justin Garvey, Proctor High School Class of 1998, exemplified these values as well. Justin was, by all accounts, an outstanding young man. He was known as a strong competitor, a motivated student, and an avid outdoorsman. His friends knew him as being good hearted and good humored. Justin was a loyal brother, a dedicated son and a loving husband.

Justin Garvey loved and is loved by his family and community.

He crossed the Marble Arch Bridge innumerable times. When he last crossed this bridge, he was on a journey that would take him to serve in the United States Army 101st Airborne Division, one of America's most elite defense forces.

Not every soldier has the ''stuff'' to make the 101st Airborne. But it was no surprise to those who knew him that Justin Garvey studied and trained and worked to become a top-notch soldier. A fellow soldier wrote that ''He was a man who had no enemies . . . he is everything I want to be as a man. Everyone who ever met Justin was better for it. It was an honor to have served with him up to the end, that night. He taught me what a true hero is.''

From before its inception and throughout its history, America has depended upon the willingness of men like Justin Garvey to put themselves in harm's way for the sake of country and countrymen.

Indeed, this Nation has survived only because of such men and such women.

When Justin Garvey last crossed Proctor's historic Marble Arch Bridge, he was already a hero to his family and friends in this community. Today, all of Vermont and all of America recognize Justin Garvey as an American hero.

Indeed, the world is in his debt.

It is fitting and proper that we should dedicate a memorial to SGT Justin Garvey, Proctor native, American hero.

May God Bless Justin and his family.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. CORZINE. Mr. President, I rise today to honor the memory of the victims of the Katyn Forest Massacre in 1940. Katyn Forest is a quiet wooded area near the Gneizdovo village, a short distance from Smolensk in Russia. It was at this site, on Soviet leader Joseph Stalin's orders, that the Soviet NKVD shot and buried more than 4,000 Polish service personnel that had been taken prisoner when the Soviet Union invaded Poland in September 1939. Most of these victims were Polish army reservists—lawyers, doctors, scientists and businessmen, Poland's elite and intelligentsia—who were called up to active service following the Nazi invasion of Poland.

On September 17, 1939, under the terms of a secret Moscow-Berlin treaty, forces of the Soviet Union invaded Poland through its eastern border. Polish troops, overwhelmed by the German invasion on its western border, surrendered to the Red Army on the pretense they would be protected. More than 15,000 Polish soldiers and civilians were sent to prison camps at Kozielsk, Starobielska and Ostashkov in the Soviet Union.

In an effort to eliminate potential threats to Soviet control of Poland and what Stalin described as counter-revolutionary espionage and resistance organizations, Soviet troops, carried out what many have called one of the most heinous war crimes in history. Prisoners in all three Soviet Camps were executed and buried in mass graves. One of these graves was discovered in Katyn Forest, where between four and five thousand Polish bodies were found. There were no trials; there was no justice for these innocent victims.

Although the Soviet Government originally denied their role in this unspeakable atrocity, on February 19, 1989 Soviet scholars released documents that revealed that Stalin had indeed ordered the mass execution. The following year Soviet President Mikhail Gorbachev apologized to the Polish people for the killings. While this admission of guilt provided some closure, it certainly does not erase the

pain and suffering felt by a nation whose entire population was affected by this horrific event. Sixty-three years later, the name Katyn still stirs passions in Poland.

Today, I honor the victims of the Katyn Forest Massacre and commend them for their courage and their sacrifice. For on that fateful day, more than six decades ago, these valiant men paid the ultimate price to secure their country's freedom.

It is my sincere hope that as more people learn about the carnage that occurred at Katyn Forest and the surrounding sites, we will be able to come to terms with this tragedy and help heal the wounds that the great nation of Poland and its citizens still suffer. When we honor the memories of those brave souls who were lost on that tragic day, we will prevent future generations from repeating the same horrors which occurred in our past.

ADDITIONAL STATEMENTS

RHODE ISLAND COUNCIL ON RESIDENTIAL PROGRAMS FOR CHILDREN AND YOUTH

● Mr. CHAFEE. Mr. President, I am proud today to honor the Rhode Island Council on Residential Programs for Children and Youth, RICORP, for 25 years of service to 1,250 of Rhode Island's most needy children.

RICORP developed training programs for childcare workers in Rhode Island throughout the 1980s and by 2000, the council had established training certification programs for childcare workers, supervisors and clinicians. In 2001, RICORP collaborated with the Community College of Rhode Island to develop a college curriculum in ''Children's Residential Programming'' and in September of 2002 the program became a reality.

RICORP has also advanced legislation in the Rhode Island General Assembly in 2000 to give contracted providers rate increases in fiscal year 2001 and 2002. Additionally they lobbied for initiatives to improve the lives of children in care, such as the Higher Education Assistance Grant enacted in 1999. This grant gave youth in out-of-home placement free tuition if they attended one of the State colleges.

These are just a few examples of RICORP's contributions toward improving the lives of needy children in the State of Rhode Island.

I join all Rhode Islanders in congratulating RICORP on its 25th anniversary.●

TRIBUTE TO C. FRANCIS DRISCOLL

● Mr. DODD. Mr. President, I rise to speak in memory of C. Francis Driscoll, of New London, CT, who passed away on August 8 at the age of 68.

Although Frank Driscoll was born in New York, he would become one of New London's most influential and devoted public servants, committing his time and energy, for over 30 years, to making life better for the people of that city.

Frank Driscoll's first work on behalf of New London came from 1961 to 1967, when he was the executive director of the Redevelopment Agency, and a driving force in New London's urban renewal. But after 2 years working in Washington at the Department of Housing and Urban Development he returned to New London to take the job that he would hold for the next 23 years, the position of city manager—the top executive post in the city.

As city manager, Frank Driscoll became known as a man who was very careful with how he spent city funds. A child of the Great Depression, he understood that these were the hard-earned tax dollars of working men and women, and he was always careful to spend those dollars wisely. At the same time, he was also tireless in his efforts to obtain Federal funds to improve the quality of life in New London. In fact, during the 1970s, New London won more money in Federal aid than it raised in local property taxes. These critical funds helped New London improve and renovate its schools, revitalize its business district, and ensure the integrity of its water supply.

Frank Driscoll was a skilled, dedicated, and effective leader. But those who knew him or worked with him will probably remember him even more as a deeply caring and compassionate individual. He treated every city employee as part of an extended family. And when it came to his own family, Frank Driscoll's devotion was second to none.

He was also a man of faith who was a vital member of his community. At St. Joseph's Parish in New London, he was a member of the parish council as well as the church choir. Frank was a man whose faith helped shape every aspect of his life, both public and private.

I know that everyone who has lived in New London since the 1960s feels fortunate that they had Frank Driscoll working on their behalf. And I feel privileged to have had him as a friend.

I offer my most heartfelt condolences to Frank's wife Caroline, to their eight children, nine grandchildren, and to everyone else who knew Frank Driscoll. He will be deeply missed.●

IN TRIBUTE TO JOHN MCKISSICK'S 500TH FOOTBALL WIN

● Mr. HOLLINGS. Mr. President, in light of John McKissick's historic football accomplishments, I ask that this article from the September 11 USA Today be printed in the RECORD.

The article follows.

[From the USA Today, Sept. 11, 2003]

FOOTBALL COACH ALL ALONE AT BRINK OF 500 WINS

(By Jill Lieber)

He's the winningest football coach at any level, going for his 500th victory Friday night. He has 10 state championships and 26 regional titles. And in 52 years at the helm of the mighty Green Wave of Summerville High School, John McKissick is known for something else in this quaint, historic burg, population 27,752: as a leader of the community, the glue that holds the town together.

''John McKissick has been a vital part of forming connections around this town,'' says David Pugh, Summerville High's principal. ''What makes a community successful is the quality of life, and John has shown great leadership in that. He has been able to connect people. He has taught them how to share.''

McKissick, two weeks shy of his 77th birthday, has molded 3,014 teenage boys into players over the years. He has instilled pride in tens of thousands of Summerville High students, cheerleaders, band members, teachers and parents. And he has provided excitement for countless more football fans, who have turned out 10,000 strong, in their green and gold, every Friday night in the fall for the past six decades.

Grandfathers, fathers, uncles, brothers, sons, the next-door neighbor's kid, even the piccolo player down the street: Everybody here is tied to the Green Wave in some way.

Why, McKissick now is coaching the third generation of some Summerville families. His own grandson, Joe Call, a former Green Wave quarterback, is an assistant coach.

Truth be told, the folks in this town, nestled on a piney ridge 25 miles northwest of Charleston, would be lost without McKissick.

''So many leaders have come through the John McKissick system,'' says Bo Blanton, chairman of the school board and former Green Wave quarterback.

''Police officers. Teachers. Lawyers. Doctors. Dentists. Legislators. Coaches. The bond has been formed over the years, the winning tradition of the football program has permeated through the community, all because of the excellence of John McKissick. So many people have felt a part of it. So many people have been inspired by it.''

At 8 p.m. Friday, at McKissick Field, on John McKissick Way, the legendary coach will try to give Summerville yet another treat: The Green Wave (2–0) play local rival Mount Pleasant Wando High (1–1) in what could be McKissick's 500th victory.

Coincidentally, McKissick beat Wando in October 1993 for his 406th victory, which set the national high school football record.

Berlin G. Myers Sr., Summerville mayor the past 33 years and owner of the local lumber company, has declared this John McKissick Week. (Several years ago, Myers actually rescheduled Halloween because it fell on a game night.)

Joan McKissick—who wed her husband in June 1952, just two weeks before he took the job at Summerville—has spruced up the press box with photos of past and present Green Wave players for the media rolling into town for the big game. She's expecting hundreds of family and friends.

Troy Knight, the town's attorney, a former Green Wave ball boy, manager and trainer, is a major player with the 500th Committee. That's a group of local business people who have brainstormed ways to commemorate McKissick's milestone.

They're throwing a party on the field after the game for McKissick's 82 varsity players and their families, if the team wins.

The city will come together Nov. 8 for a fundraiser: Summerville will be establishing a John and Joan McKissick Scholarship.

''Coach McKissick is an educator, first and foremost,'' Knight says. ''His vehicle just happens to be coaching. This is a way for his legacy to live on forever.''

Winning admiration of peers

McKissick, a quiet, unassuming man, has not missed a game in 52 years—631 games.

Not health, not weather, not an act of God has stopped him. He has had only two losing seasons (1957 and 2001).

His wife has missed just three games. She's the Green Wave's official historian and her husband's trusted biographer, thanks to the piles of scrapbooks she has religiously kept throughout his career. She's also the curator of the largest collection of Green Wave artifacts, most engulfing the playroom of their ranch house, which the McKissicks affectionately call The Green Wave Room.

South Carolina Gamecocks coach and friend Lou Holtz is keeping his fingers crossed that McKissick will reach 500 Friday.

''I don't know of any individual who has done more for high school football or for the state of South Carolina than John McKissick,'' Holtz said through his sports information director. ''He not only has taught winning football, he has developed winning young men. He has been so unselfish with his time. His loyalty to Summerville and the state of South Carolina really impresses me.''

Florida State coach Bobby Bowden (334 victories), second to Penn State's Joe Paterno as the winningest Division I-A football coach, also is sending good vibes to his good buddy McKissick.

''The victories bring pride to the state of South Carolina, especially since he is one of their own,'' Bowden said through his school's sports information director. ''It also brings great attention to what you can do if you just persevere. I don't know if it can ever be broken.

''I think Coach McKissick's longevity is due to the fact that he has his priorities in order and that football is not his No. 1 priority. A man must have persistence and love of the game and love of life to coach so long.''

Everything he wants right here.

McKissick's persistence and perseverance were forged from a tough childhood.

Born in Greenwood, S.C., McKissick was the second of Harry and Ethel's three sons. Harry owned the Pepsi and Nehi Bottling Co.

A few months after the 1929 stock market crash, the McKissicks returned home one night to find their house destroyed by a fire. Within months, the bottling plant went bankrupt. The family moved to Lake City, S.C., where McKissick's dad opened a corner grocery that went belly up within two years.

Life got better after his mom got a job as lunchroom supervisor for the public schools in Williamsburg County—she worked there 40 years—and his dad became a guard standing shotgun on the county chain gang. But the tough times didn't stop.

McKissick grew up in homes without toilets and running water. He didn't wear shoes to school until the eighth grade. And the family could afford to eat meat—fried chicken—only on Sundays.

He was drawn to coaching because he recalled how happy his Kingstree High school coach, Jimmy Welch, always looked. ''I figured it must be a good profession.''

In the fall of '51, he landed a job in Clarkton, N.C.—over the phone, sight unseen. Little did he know he'd be coaching six-man football; it paid $2,700 a year. He called Lonnie MacMillian, his coach at Presbyterian College and a pioneer of the Split-T offense, for advice.

''He gave me four plays to run told me to run—them to the right and left, so it would seem like I had eight,'' says McKissick, whose team went 7–0. (None of those victories are included in his 499 wins.)

In the spring of 1952, McKissick applied for the job at Summerville. ''The superintendent, Frank Kirk, later told me I got the job because I was the only applicant who didn't ask how much it paid.''

McKissick coached boys and girls basketball, baseball and track. He taught two South Carolina history classes and three U.S. history classes. And he mowed and lined the football field, shined the football cleats, washed the game uniforms and taped the players' ankles, all for $3,000 a year.

''Growing up poor gave me drive,'' he says. ''I put pressure on myself to try to achieve something in life. I had empathy for kids who had a tough time, especially if they were trying, and compassion for those who lacked confidence.''

McKissick has been approached about college head coaching jobs (The Citadel, Newberry, Presbyterian), but he has never come close to leaving. His wife was a postal carrier for 30 years until she retired in 1986. They raised two daughters here: Debbie and Cindy, a former Green Wave cheerleader.

''People always ask me why I didn't take another job,'' McKissick says. ''I grew up hard, not having everything I wanted. People have different wants and needs. A lot of people want more than what they really need.

''Working with kids has kept me young; it has allowed me to grow and evolve. And I get so much self-satisfaction seeing former players around town, at the filling station, the barbershop. . . . Even as football coaches at area high schools.

''Why would I ever want to leave Summerville? It's a wonderful community, with wonderful fans and great support. It's my family. I have everything I've always wanted right here.''●

REAR ADMIRAL HOWARD KIRK UNRUH, JR.

● Mr. LAUTENBERG. Mr. President, I rise today to formally acknowledge the great accomplishments and recent retirement from the United States Naval Reserve of one of my constituents, Rear Admiral Howard Kirk Unruh, Jr.

Henry Clay said: ''Of all the properties that belong to honorable men, not one is so highly prized as that of character.'' RADM Unruh is, indeed, a man of character and he has shown outstanding character throughout his 33 years of service to the Navy.

Admiral Unruh's naval career began in the Garden State, where he attended Princeton University on a ROTC scholarship. In 1970, upon his graduation from Princeton, Ensign Unruh was commissioned as an officer in the United States Navy.

He reported for duty in Hawaii where he served on the USS Elkhorn AOG–7. As damage control assistant and engineering officer, he accepted a great deal of responsibility for a young man and gained valuable leadership experience. He learned what it meant to serve and what it meant to lead, and he made the Navy an important part of his life.

His work did not go unnoticed, and, after completing a tour of the Western Pacific aboard the Elkhorn, Unruh was selected to participate in Admiral Elmo Zumwalt's Human Resource Management Program in Pearl Harbor.

In 1975, Lieutenant Unruh left active duty, and went on to receive a Masters degree in Education from Harvard University. But the Navy was in his blood. So, while studying in Massachusetts, he accepted a commission in the Naval Reserves and began the second phase of his service.

For the next 28 years, Admiral Unruh served wherever and whenever he was needed. He taught naval management and leadership courses; he mentored officers and sea cadets; he spearheaded successful reorganization efforts in reserve centers; and he participated in joint military training exercises in the U.S. and abroad. In short, as he moved up the ranks, he gave the Navy his wholehearted commitment on land and sea.

In 1995, he took an assignment as the Department of the Navy's duty captain at the Pentagon's Navy Command Center. There, he served under Secretary of the Navy and Chief Naval Operations Admiral Mike Borda and was in charge of monitoring military activity around the world. On his first day on duty, human émigrés flying civilian aircraft over Cuba were shot down by the Cuban military, which believed that the aircraft were intruding in Cuban air space. Captain Unruh acted quickly and admirably, putting together data to brief the President on the United States on what was happening.

Now Kirk Unruh retires as an Admiral and he has well earned that rank. Over the years, his contributions to the Navy have been duly recognized. He is authorized to wear the Legion of Merit, the Meritorious Service Medal which he was awarded twice, the Navy Commendation Medal which he was awarded four times, the National Defense Medal with bronze star, and various other Unit and Service ribbons. These decorations attest to the character of the man, the service he has rendered, and the honor with which he has provided that service.

Today I ask that my colleagues join with me in thanking Admiral Unruh for his years of service, for his commitment to this nation and to the United States Navy, and for a job well done. As noted in his Legion of Merit Citation: ''By his outstanding leadership, commendable innovation, and inspiring dedication to duty, RADM Unruh reflected great credit upon himself and upheld the highest traditions of the United States Naval Service.''

Lastly, behind the career of most great Naval officers is a loving family that is asked to endure the hardships of constant travel and periodic separation. Admiral Unruh's family is no exception. His wife Diane has made many sacrifices to support her husband. And, as the wife of an Admiral—whose children, Meredith, Allison, and Chip were all born on naval bases—she has earned her stripes and unofficially outranks him. We all know that without her sacrifice his service to our Nation would not have been possible.

Today, I join with Diane, her children, and all Americans in saluting Admiral Unruh for an outstanding career and a job well done.●

MEASURE READ THE FIRST TIME

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–269. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 48

Whereas, over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, in 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, in accordance with the federal act, Michigan electric customers have paid $405.8 million into this federal fund for construction of the federal waste facility; and

Whereas, there are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste facility as soon as possible. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That we support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–270. A concurrent resolution adopted by the Legislature of the State of Michigan relative to beach grooming on private property; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, the most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, with the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by vegetation, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, as a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, the effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–271. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to widening and resurfacing of the M 50 to US 12 segment of US 127; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 95

Whereas, the Michigan International Speedway (MIS), which attracts 600,000 visitors annually, is the largest sporting venue in Michigan. Michigan International Speedway has accepted its role as a corporate citizen with pride for the last 35 years; and

Whereas, fifty-five percent of MIS season ticket holders are from outside the state of Michigan, with season ticket holders in 47 states and 12 foreign countries. The indirect economic impact of the Michigan International Speedway to Michigan's economy exceeds $500 million dollars annually. With over 50% of the race weekend business coming from outside the state, a substantial amount of money is brought into Michigan's economy from the surrounding area; and

Whereas, in 2002, a resurfacing project was completed on US 127 from M 50 North to Interstate 94, which has caused a deterioration in the roadway south of M 50 to US 12; and

Whereas, traffic counts escalate annually, averaging 20,000 vehicles per day, and they spike drastically during the three race weekends at Michigan International Speedway; and

Whereas, traffic engineers routinely specify a four-lane highway as mandatory for traffic volumes that exceed 17,500 on a daily basis; and

Whereas, transportation planners project that without any new development, traffic counts along US 127 in Jackson County will range from 31,000 to 51,000 vehicles daily; and

Whereas, the number of vehicle accidents occurring on US 127 is unacceptably high, with an annual average of 311 occurring annually. Of this number, 248 occur on the road segment between M 50 and US 12; and

Whereas, the state of Michigan has recognized the increasing problems associated with traffic pressure on US 127 since 1994, when it was specifically cited in the Michigan Long-Range Plan; and

Whereas, roadway expansion for US 127 in Jackson County has previously been permitted and does not require an environmental impact study; and

Whereas, improvements to US 127 from M 50 to US 12 will both improve community safety and enhance economic development efforts; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to support funding for the widening and resurfacing of the M 50 to US 12 segment of US 127; and

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–272. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Highway Trust Fund and the State of Texas; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 82

Whereas, an integrated, safe, and adequately financed transportation system is a critical component of the economic, social, and environmental well-being of both the United States and Texas; and

Whereas, the Highway Trust Fund was established by the Highway Revenue Act of 1956 as a mechanism to finance an accelerated highway program, including the Interstate Highway System; the revenues used to finance the trust fund are derived from federal excise taxes on highway motor fuel and certain truck-related taxes collected from motorists in all 50 states and paid into the federal Highway Trust Fund; and

Whereas, federal law requires that the money paid into the trust fund be returned to the states in accordance with legislatively established formulas that are recalculated every six years in reauthorization legislation; most recently the Transportation Equity Act for the 21st Century (TEA–21) was passed in 1998; and

Whereas, due to funding disparities, 26 states, known as highway program donor states, receive less than their fair share of the federal fuel taxes that their citizens have paid into the highway account of the trust fund; from 1956 to 2001, Texas received only an average highway program rate of return of 78 percent on the funds sent to Washington; and

Whereas, currently, the United States Congress is drafting legislation to reauthorize TEA–21, which guaranteed a minimum rate

of return of 90.5 percent on federal highway programs; a coalition of the donor states seeks a guaranteed rate of return of 95 percent of their share of contributions to the federal Highway Trust Fund, calculated against all dollars being distributed to the 50 states; and

Whereas, a 95 percent rate of return would allow Texas to better address its highway construction, repair, and maintenance needs; highway projects enhance mobility, improve air quality, foster economic development, and support thousands of jobs in Texas: Now, therefore, be it

Resolved, that the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States 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; and be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–273. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Clean Air Act as it pertains to safeguarding public health and protecting environmental quality; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, Section 111 of the Clean Air Act requires the adoption of federal standards (known as new source review) reflecting the best available control technology for facilities which cause, or contribute significantly to, air pollution which may endanger public health or welfare; and

Whereas, the United States Environmental Protection Agency (USEPA) adopted such standards of performance for the construction or modification of power plants; and

Whereas, the New Hampshire attorney general has alleged and is actively pursuing litigation against upwind power plant owners for violation of new source review here in New Hampshire and out-of-state; and

Whereas, the administration of President Bush is proceeding to implement modifications of the new source review program; and

Whereas, acid rain, which is damaging sensitive ecosystems, including the forests and lakes of New Hampshire. has been particularly attributed to emissions from coal-burning plants upwind of New Hampshire; and

Whereas, scientific research has established a well-defined link between power plant air emissions and human health impacts, including exacerbation of symptoms for those with asthma, increased risk of heart attacks for those with heart disease, causation of lung cancer and premature death; and

Whereas, there remains considerable controversy, uncertainty, and question as to whether the planned changes to new source review will result in continued, increased, or decreased air polluting emissions compared with current or alternative standards: Now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court of New Hampshire urges the President, George W. Bush, and the USEPA Administrator, Christie Whitman, to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; and

That the general court urges the congressional delegation to take and support appropriate actions against any decision made by the administrator of the USEPA to modify the regulations implementing Section 111 of the Clean Air Act if the result would be to jeopardize New Hampshire's ability to safeguard public health and protect environmental quality, including a suspension of pending modified regulations pending independent scientific review by the National Academy of Sciences; and

That copies of this resolution, signed by the president of the Senate and the speaker of the House of Representatives be forwarded by the senate clerk to President George W. Bush, USEPA Administrator, Christie Whitman,and each member of the New Hampshire congressional delegation.

POM–274. A concurrent resolution adopted by the Legislature of the State of Texas relative to funding for the EPA Border Fund; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 204

Whereas, the United States and Mexico created the North American Development Bank (NADB) to provide financing for environmental infrastructure projects, particularly those related to water supply, wastewater treatment, and solid waste management along their common border; and

Whereas, since its inception in 1995, NADB has financed 57 environmental infrastructure projects representing $1.4 billion in border region improvements, a substantial return on the bank's $494 million investment; and

Whereas, NADB established the Border Environment Infrastructure Fund (BEIF) in 1997 to receive and administer grants from other institutions, such as the U.S. Environmental Protection Agency (EPA), that can be combined with loans and guaranties to facilitate project financing; and

Whereas, to date, BEIF has received $336 million from EPA's Border Fund, and this contribution is vital to making water and wastewater projects affordable, especially for the smallest and poorest communities; and

Whereas, Congress increased the Border Fund to $75 million in fiscal year 2000, and this level of funding was again recommended for fiscal year 2003; however, the Border Fund received a congressional appropriation of only $50 million; and

Whereas, reductions in the Border Fund and subsequent revenue losses to BEIF seriously undercut NADB's ability to finance water and wastewater infrastructure projects that are essential to environmental quality and the well-being of residents on both sides of the border: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States 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; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–275. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to reinstating the federal income tax deduction for state and local sales taxes paid; to the Committee on Finance.

HOUSE RESOLUTION NO. 9003–C

Whereas, prior to 1986, American taxpayers were allowed to deduct state and local sales taxes paid from their federal income tax liabilities, and

Whereas, the Tax Reform Act of 1986 repealed this deduction while it retained the deductibility of state and local income taxes, and

Whereas, the elimination of the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Florida and six other states that do not levy a personal income tax, and

Whereas, while citizens in the 43 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Florida and six other states have no corresponding tax deduction, and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes, and

Whereas, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Florida's families and the state's economy, and

Whereas, as a matter of equity and fairness, Floridians and the citizens of other states that finance their budgets without an income tax deserve to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers, and

Whereas, allowing taxpayers to deduct either their state and local income tax or state and local sales taxes paid in a given year would restore equity and fairness across the states, and

Whereas, federal legislation that reinstates the deductibility of state and local sales taxes is currently before the Congress: Now, therefore, be it

Resolved by the House of Representatives of the State of Florida, That the Congress of the United States is respectfully requested to reinstate the federal income tax deduction for state and local sales taxes paid; and be it further

Resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–276. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to Medicare; to the Committee on Finance.

RESOLUTION NO. 210

Whereas, there are 321 Medicare-certified agencies in the Commonwealth of Pennsylvania providing critical care each year in the homes of nearly half a million Pennsylvanians; and

Whereas, home health patients who receive Medicare services are typically the sickest, frailest and most vulnerable group of Pennsylvania's elderly population; and

Whereas, Congress in 1997 sought to cut growth in the Medicare home health benefit by $16.2 billion over five years but resulted in cutting more than $72 billion; and

Whereas, nearly one million fewer Medicare beneficiaries are qualifying for Medicare-reimbursed home care than in 1997; and

Whereas, additional cuts in the Medicare home health benefit would force many low-cost, efficient Pennsylvania agencies that are struggling under the current system to go out of business, thereby harming access to Medicare beneficiaries; and

Whereas, total elimination of the 15% cut has been postponed for the past two years; and

Whereas, the impending 15% cut is making it difficult for home health agencies to secure lines of credit and is discouraging investment in advanced technologies and staff benefits; and

Whereas, sixty-five members of the Untied States Senate have joined in a bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, one hundred and thirteen members of the United States House of Representatives have joined in bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, the Senate Budget Committee has noted to set aside the funds necessary to do away with the 15% cut; and

Whereas, the Medicare Payment Advisory Commission (MedPAC), the group established by Congress to advise it on Medicare policy, has called upon Congress to permanently eliminate the 15% cut in the Medicare home health benefit; and

Whereas, MedPAC has reported that there are three factors that can lead to an increase in cost for rural home health providers: travel, volume of services and lack of sophisticated management and patient care procedures; and

Whereas, Medicare home health services are delivered to a large rural population in Pennsylvania that often live miles apart, thereby increasing the cost of providing home health services in these areas: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to permanently eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President to support Congress in this effort to eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the Untied States, the Speaker of the United States House of Representatives and to each member of Congress from Pennsylvania.

POM–277. A concurrent resolution adopted by the Legislature of the State of Texas relative to the portion of the Internal Revenue Code regarding veterans and their families; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 161

Whereas, Texas has long been a leader in recognizing and rewarding the tremendous sacrifices of its veterans; and

Whereas, home ownership is viewed by many as a major component of the American Dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service while in the U.S. Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the Texas Veterans Land Board has offered below-market interest rates on home loan mortgages to eligible veterans since 1983; and

Whereas, this program has assisted more than 500,000 Texas veterans in obtaining affordable housing and in making a better life for themselves and their dependents; and

Whereas, Texas utilizes federally tax-exempt bonds known as Qualified Veterans Mortgage Bonds to fund approximately 50 percent of all home and improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(I)(4) of the Internal Revenue Code of 1986, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving on active duty after 1976 from using Qualified Veterans Mortgage Bonds, including more than 500,000 men and women who served in Desert Shield and Desert Storm and the 8,000 reservists and National Guard members of Texas called up to serve our country since September 11, 2001; and

Whereas, these courageous men and women deserve the same benefits offered to their earlier counterparts, yet they and their families are being denied the opportunity to use Qualified Veterans Mortgage Bonds; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending one cent: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the 108th Congress to support legislative action to immediately remove the aforementioned discriminatory portion of the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

Revolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives, and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–278. A concurrent resolution adopted by the Legislature of the State of Texas relative to federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Tax Reform Act of 1986 eliminated the deductibility of state and local sales taxes paid by federal income tax return filers while it retained the deductibility of state and local income taxes; and

Whereas, although the tax legislation was generally designed to simplify the federal income tax, eliminating the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Texas and eight other states that do not levy a personal income tax; and

Whereas, while citizens in the 41 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Texas and a few other states have no corresponding tax deduction to ease their burden; the net effect of this imbalance is that Texans and citizens of eight other states pay a higher percentage of federal taxes than the majority of American taxpayers; and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes; and

Whereas, a report published in March, 2002, by the Comptroller of Public Accounts of the State of Texas estimated that the inability to deduct state and local sales taxes could cost Texans more than $700 million for the 2002 tax year and, if the deductions are not restored, could cost the state more than 16,000 jobs that otherwise would be created with a lower tax burden and an increase in disposal family income; and

Whereas, according to the report, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Texas families and the state's economy; and

Whereas, a family of four with an income of $60,000 could get an additional federal income tax deduction of $1,015, and a single mother with one child and an income of $35,000 could deduct an additional $461; and

Whereas, the comptroller of public accounts estimates that the more than $700 million in net tax savings that would stay in Texas could encourage $590 million in new investments within the state and an $874 million increase in the gross state product in 2003; and

Whereas, as a matter of equity and fairness, Texans and the citizens of other states that finance their budgets without an income tax deserved to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers; federal legislation that reinstates the deductibility of state and local sales taxes is currently before the congress: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–279. A concurrent resolution adopted by the Legislature of the State of Texas relative to block grants to be used for public welfare and Medicaid purposes; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 58

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, the Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, the growth in federal spending of the Medicaid and welfare entitlements is astronomical and spiraling, significantly increasing the federal budget costs; and

Whereas, this growth will never be controlled unless the State of Texas has autonomous management of the program, free from federal mandates regarding individual entitlement, eligibility groups, benefits, payment rates, and financing structures to allow most citizens of the State of Texas to benefit from the Medicaid and welfare programs; and

Whereas, the State of Texas will be able to design and develop innovative, efficient, and productive medical assistance programs that will meet the needs of the residents within the State of Texas' budget capacity; and

Whereas, in the State of Texas, there exists the possibility to improve patient outcomes and cost-effectiveness with a statewide implementation of consumer-directed care under the state medical assistance program: Now, therefore, be it

Resolved, That the 78th Legislative of the State of Texas hereby respectfully urge the Congress of the United States to enact appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–280. A concurrent resolution adopted by the Legislature of the State of Texas relative to the medical savings account program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 90

Whereas, Medical Savings Accounts (MSAs) offer an innovative alternative to high-premium insurance policies by combining tax-free savings accounts and high-deductible catastrophic health insurance plans; and

Whereas, individuals choosing to use these accounts can pay for routine and minor medical services with funds set aside in a tax-free savings account, while major health care costs are covered by their high-deductible health insurance plans; and

Whereas, tax-free MSAs encourage individuals to make wise and economical decisions about their health care because managing their own accounts often makes them more aware of the true costs of health care; MSAs also offer participants greater access to medical services and the freedom to choose their own health care providers; and

Whereas, a survey of MSA plan participants shows that employers offering MSAs to their employees have been able to reduce health insurance expenses by up to 40 percent; in contrast, employers overall have recently experienced an average 16 percent increase in health insurance premiums, with some small employers confronting increases of 40 to 50 percent; and

Whereas, the federal MSA pilot program, which was designed for small employer groups and the self-employed, carries restrictions that may discourage participation in the program and create confusion among potential applicants, employers, and insurance providers; and

Whereas, the federal MSA pilot program limits annual deductibles for participating employees to not less than $1,700 or more than $2,500 for an individual and not less than $3,500 or more than $6,150 for a family; annual out-of-pocket expenses under the plan cannot exceed $3,350 for individual coverage and $6,150 for family coverage; and annual limits for account contributions are 65 percent of the deductible for an individual account and 75 percent of the deductible for a family account; and

Whereas, according to 1996 data, about 85 percent of Americans incurred medical expenses, with an average per-person expenditure of about $2,400, an amount well within the range limits of the MSA annual contribution for an individual account; even more significant is the fact that about half of those persons who incurred medical expenses had expenses of less than $560; and

Whereas, any unspent MSA funds for a given year may be rolled over to the following year; after age 65, unspent funds can be rolled over to an Individual Retirement Account or withdrawn without penalty for any use and taxed as ordinary income; and

Whereas, expanding the availability of MSAs to other employers, increasing the account contribution limits, and lowering the limits on annual deductibles for participating employees would encourage greater participation among consumers, employers, and insurance providers: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States 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; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004'' (Rept. No. 108–148).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes; read the first time.

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1619. A bill to amend the Individuals with Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1620. 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 Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1621. A bill to provide for consumer, educational institution, and library awareness about digital rights management technologies included in the digital media products they purchase, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for Mr. GRAHAM of Florida (for himself, Mr. HAGEL, Mrs. CLINTON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. DAYTON, Mr. AKAKA, and Mrs. MURRAY)):

S. 1622. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1623. A bill for relief of Elvira Arellano; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 226. A resolution to authorize representation by the Senate Legal Counsel in the case of Josue Orta Rivera v. Congress of the United States of America, et al; considered and agreed to.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 227. A resolution expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends and loved ones; considered and agreed to.

By Mr. FEINGOLD:

S. Con. Res. 69. A concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.

736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 767

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on Social Security benefits.

S. 877

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1479

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1479, a bill to amend and extend the Irish Peace Process and Cultural Training Program Act of 1998.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1607

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1607, a bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance.

S.J. RES. 17

At the request of Mr. CORZINE, his name was added as a cosponsor of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 209

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

S. RES. 220

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 220, a resolution designating the ninth day of September of each year as ''National Fetal Alcohol Syndrome Awareness Day''.

AMENDMENT NO. 1655

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mrs. CLINTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1655 proposed to H.R. 2754, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1619. A bill to amend the individuals with disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I am pleased to join my colleague Senator DEWINE in introducing legislation to provide a high-quality education to homeless and foster children with disabilities. The Individuals with Disabilities Education Act (IDEA) is based on the bedrock American principle of equal opportunity. IDEA recognizes that students have a civil right to a free, appropriate public education, even if their special needs require additional resources. Because most foster and homeless children face distinct challenges, they require even more attention and consideration to make sure their educational needs are met. The Improving Education for Homeless and Foster Children with Disabilities Act would make small but critical changes to ensure these children have a real opportunity to fulfill their potential.

Students with disabilities face additional challenges in school as do foster and homeless children. But to live in a foster home or in no home at all and to have a disability is truly to have the deck stacked against you. Congress has a long and proud tradition of supporting and protecting educational opportunity for our most vulnerable young people. It's what we did when we passed the Elementary and Secondary Education Act in 1965. It's what we did when we created Head Start, and it's what we did when we started giving out Pell Grants. It's time for us to step up once again and make the changes to make IDEA work for homeless and foster children with disabilities.

The bill that Senator DEWINE and I are introducing today addresses the unique educational needs of children with disabilities who are in foster care or who experience homelessness. Foster children and homeless children face a unique set of challenging circumstances. There are over 500,000 children in foster care. Thirty percent of them are in special education. We know that foster children often do not function well in school. Foster children have usually been separated from their biological families as a result of child abuse or neglect, which can leave both emotional and physical marks for life. Given the shortage of foster parents in this country, children in foster care are often shuttled between many different homes and schools. One young man has shared with me his story of living in more than 100 homes throughout his childhood. Every time these children move to a new home, they may have to attend a new school. And every time these children enroll in a new school, they must start over in securing the supports and services they need to receive the free and appropriate public education that is their civil right.

In addition to frequent absences and transfers, foster children often don't

have parents to advocate for their educational needs. Almost every parent whose child has a disability will tell you that their role as advocate for their child correlates directly to the quality of the education their child receives. Without a parent to advocate for them, foster children can languish for years with unrecognized disabilities or insufficient services to help them succeed in school. These experiences can leave children in foster care without the education and support to lead functional, productive lives.

Homeless children in our country also face significant hurdles to succeed in school, which are exacerbated for children with disabilities. The Urban Institute estimates that 1.35 million children experience homelessness each year. A high proportion of homeless children with disabilities also need special education services, yet many homeless children have great difficulty accessing these services.

Children who experience homelessness desperately need stability in their lives, but they often lack the continuity of staying in one school or even in one school district long enough for an Individualized Education Plan—or IEP—to be developed and implemented. In addition, like foster children, some homeless youth have no legal guardian to watch out for their educational needs and to advocate for their best interests.

Despite this difficult situation, we can help these children with a high-quality education. The Improving Education for Homeless and Foster Children with Disabilities Act amends IDEA to help States and districts meet these challenges. It facilitates greater continuity for students who change schools or school districts, by ensuring that students' IEPs follow them from school to school. It increases opportunities for early evaluation and intervention for homeless and foster infants and toddlers with disabilities. It also provides for representation of foster and homeless children on key committees that make critical decisions affecting special education. This bill expands the definition of ''parent'' to include relatives or other caregivers who are equipped to make sound decisions in a child's best interest when there is no biological parent available to do so. Finally, it improves coordination of services and information so educational and social services agencies can function more efficiently to benefit these children.

As we reauthorize IDEA, we have an obligation to pay extra attention to these children and to provide the resources and support they need. The real test of how we treat children in America is measured in how we treat the most vulnerable among us, and this bill gives us a chance to do the right thing. I urge the Senate to truly ensure that no child is left behind by passing the Improving Education for Homeless and Foster Children with Disabilities Act.

By Mr. BINGAMAN:

S. 1620. 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 Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Head Start Assessment Act of 2003. The purpose of this Act is to ensure that the full-scale implementation of the Head Start National Reporting System takes place after there has been ample opportunity for expert and public commentary on the assessment, Congressional oversight hearings have been held, and the National Academies have completed a study of this issue to ensure that the assessment is reliable and appropriate.

Currently, children in Head Start are assessed 3 times a year on all of the domains of early learning and development, including literacy and math. The National Reporting System (NRS) is an assessment developed by HHS, which would create an additional test for all 4-year olds in Head Start, roughly ½ million children, on literacy and math skills only. Children would be assessed twice a year and according to Administration documents, changes over time in children's scores would be used to judge the success of individual Head Start programs. The new testing program is expected to cost about $20 million each year. Some pilot testing was begun in April and May of 2003 and HHS expects to begin full implementation of the NRS this fall.

The purpose of the bill that I am introducing today is not to undermine this assessment, or to oppose assessment, but to make sure that it is done correctly. As you know, I have a long history of supporting accountability for educational programs. Assessments are important tools for accountability. They can be used to benefit teachers and students and to raise the bar for all educational programs. That being said, a good assessment takes time to develop and the measures and procedures that are used must be thoroughly debated and discussed. I have grave concerns about the speed with which the NRS was developed as well as with the opacity of the process by which HHS has proceeded to date.

Assessing young children is notoriously difficult. They are not used to taking tests and often do not have the emotional maturity to sit still and focus on the task at hand. Their test scores tend to fluctuate across time and can reflect many factors unrelated to their skills. The National Academy of Sciences report, ''Eager to Learn: Educating Our Preschoolers'' made it clear that more research on assessing young children is needed before such assessments should be used for accountability purposes. Because of this, it is crucial that the assessment instruments to be used in the NRS are properly validated and deemed to be appropriate for 4-year old children. At this point, we have little information about exactly what those instruments are and HHS has not made available the results of pilot tests or the comments made by experts on the content of the assessment.

To my mind, the speed with which this assessment was rolled out makes it unlikely that the measures have been properly developed and tested. It has also become clear that the assessment targets only a few of the skills that Head Start seeks to instill in children. For example, social skills are not being assessed and it is clear that without them, children are simply not ready to learn.

It is also very important that sufficient time be taken to insure that English language learners are not put at a disadvantage by being given a test that is not appropriate for them. The test is in English and Spanish, and yet many Head Start children speak Asian or other languages. In my home State of New Mexico, for example, I have heard from Native American Head Start Directors who are concerned that the NRS, in its current form, is not appropriate for their students, who often do not speak English in the home. We should take the time to insure that the assessment tool that is ultimately used is valid and reliable, assesses the gamut of skills that children acquire in Head Start, and is appropriate for children from a wide variety of cultural backgrounds.

It is also crucial that throughout the process of developing these instruments, there is ample consultation both with the public and with experts in early childhood development and research methodology. The results of these consultations and decisions regarding the NRS should be made public. Although HHS claims that they have had many meetings with ''experts'', there is little or no information publicly available that clarifies what went on at these meetings, what decisions were reached, and whether the advice of the experts was or was not heeded in developing the NRS. To date, there has been no Congressional oversight or public task force convened. Development of an assessment tool as important as this one should not occur behind closed doors. Congress and the public have a right to participate in and comment on this process.

My bill would help to insure that the NRS is developed in the proper fashion. The Secretary of HHS would be required to halt the full-scale implementation of the NRS until such time as Congressional oversight hearings have been held, the Secretary has concluded public forums on this issue, and the National Academy of Sciences has conducted a study using a panel of nationally recognized experts in early childhood assessment, child development, and education. The NAS study would provide specific information regarding: a. the skills and competencies that are predictive of school readiness and academic success in young children, b. the

development, selection, and use of instruments to assess literacy, mathematical, emotional and social skills as well as health and physical well-being young children, c. the proper use of early childhood assessments to improve Head Start programs and d. the steps needed to ensure that assessments take into account the racial, cultural, and linguistic diversity of Head Start students, among other things.

I urge my colleagues to support this bill. Head Start is the flagship educational program for low-income children. Studies clearly show that children who attend Head Start programs show gains in their cognitive and social skills, but we also know that more can and should be done for this vulnerable population. Assessments can be an important means to insure that quality is maintained in each Head Start program, but poorly developed or implemented assessments can do more harm than good. Let's take our time, consult with the experts and the public, and come up with a National Reporting System that we can all be proud of.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1620

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 ''Head Start Assessment Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When used appropriately, valid and reliable assessments can be of positive value for improving instruction and supporting development of young children.

(2) According to the National Academy of Sciences report, Eager to Learn: Educating Our Preschoolers, assessment of children below school age is in ''flux'' and ''all assessments, and particularly assessments for accountability, must be used carefully and appropriately if they are to resolve, and not create, educational problems.''

(3) The Eager to Learn report emphasized that the intended purpose and use of the data to be derived from assessments should be considered in determining which assessment instruments and procedures are most appropriate.

(4) The National Academy of Sciences reports that few early childhood educators and administrators are well-trained in the selection and appropriate use of assessments for young children.

(5) According to the National Academy of Sciences report, From Neurons to Neighborhoods, the emotional and social development of young children is as critical to school readiness as language and cognitive development.

(6) The Head Start Act currently requires programs to assess children in Head Start a minimum of three times a year against certain performance standards, which include all domains of the development and learning of children.

(7) The proposed Head Start National Reporting System on Child Outcomes assessment is not reflective of the full range of skills and competencies that the National Academy of Sciences reports state children require to succeed, and it has not been thoroughly debated by those groups associated with Head Start, including early childhood development and assessment experts, early childhood educators and administrators, family members of children participating in Head Start, or Congress.

SEC. 3. DELAYED IMPLEMENTATION OF ASSESSMENT PROCEDURES IN CONNECTION WITH THE HEAD START NATIONAL REPORTING SYSTEM ON CHILD OUTCOMES.

(a) SATISFACTION OF CONDITIONS.—The Secretary of Health and Human Services shall not proceed with the full-scale implementation of the Head Start National Reporting System on Child Outcomes, as described in the project proposal (68 Fed. Reg. 17815; relating to Implementation of the Head Start National Reporting System on Child Outcomes), until the Secretary certifies to Congress that the following conditions have been satisfied:

(1) OVERSIGHT HEARINGS.—Congressional oversight hearings have been concluded concerning the development and implementation of the Head Start National Reporting System on Child Outcomes.

(2) PUBLIC FORUMS.—The Secretary has concluded, consistent with the requirements of subsection (b), public forums in different regions of the United States, and provided an opportunity for written public comments, concerning early childhood assessment proposals.

(3) STUDY ON EARLY CHILDHOOD ASSESSMENTS.—The Secretary has submitted, consistent with subsection (c), to Congress a study of early childhood assessments focusing on improving accountability, instruction, and the delivery of services. The Secretary shall request the National Academy of Sciences to prepare the study using a panel of nationally recognized experts in early childhood assessment, child development, and education.

(4) AVAILABILITY OF FUNDS.—Without reducing the number of students served by Head Start, sufficient funds are available to—

(A) develop and implement any new Head Start assessments; and

(B) deliver necessary additional technical assistance and professional development required to successfully implement the new assessments.

(b) PUBLIC FORUM PARTICIPATION.—To satisfy the condition specified in subsection (a)(2), the Secretary shall ensure that participation in the required forums includes—

(1) early childhood development and assessment experts;

(2) early childhood educators and administrators; and

(3) family members of children participating in Head Start.

(c) INFORMATION REQUIRED BY STUDY ON EARLY CHILDHOOD ASSESSMENTS.—To satisfy the condition specified in subsection (a)(3), the Secretary shall ensure that the required study contains, at a minimum, specific information regarding the following:

(1) Which skills and competencies are predictive of school readiness and future academic success.

(2) The development, selection, and use of instruments, determined to be reliable and validated for preschoolers, including preschoolers in the Head Start population, to assess the development in young children of—

(A) literacy, language, and mathematical skills;

(B) emotional and social skills; and

(C) health and physical well-being.

(3) The development of appropriate benchmarks and the proper use of early childhood assessments to improve Head Start program effectiveness and instruction.

(4) The resources required for successful implementation of additional assessments within Head Start and how such additional assessments might be coordinated with current processes.

(5) Whether a new assessment would provide information to improve program accountability or instruction that is not already available from existing assessments and reporting procedures within Head Start.

(6) The professional development and personnel needs for successful implementation of early childhood assessments.

(7) The practicality of employing sampling techniques as part of any early childhood assessment.

(8) The practicality of employing observational and work-sampling assessment techniques as part of an early childhood assessment.

(9) Steps needed to ensure that assessments accommodate the racial, cultural, and linguistic diversity of young children, including young children with disabilities.

By Mr. BROWNBACK:

S. 1621. A bill to provide for consumer, educational institution, and library awareness about digital rights management technologies included in the digital media products they purchase, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BROWNBACK. Mr. President, I rise to introduce the Consumers, Schools, and Libraries Digital Rights Management Act of 2003, legislation I view as vital for American consumers and our Nation's educational community as they venture forth into the 21st century digital media marketplace.

This legislation responds directly to ongoing litigation between the Recording Industry Association of America and Internet service providers Verizon and SBC Communications. This litigation has opened wide all identifying information an ISP maintains on its subscribers, effectively requiring ISPs to make that information available to any party simply requesting the information. The legislation also creates certain minimal protections for consumers legally interacting with digital media products protected by new digital rights management technologies.

I had intended to introduce individual pieces of legislation on these issues—privacy and digital rights management. However, given that both issues are so relevant to consumers in the digital age, I ultimately decided to present them to my colleagues in one comprehensive bill.

It has been determined by a Federal court that a provision of the Digital Millennium Copyright Act permits the RIAA to obtain this ISP subscriber's identifying information without any judicial supervision, or any due process for the subscriber. Today, right now, solely due to this court decision, all that is required for a person to obtain the name and address of an individual who can only be identified by their Intent Protocol address—their Internet phone number—is to claim to be a copyright owner, file a one page subpoena request with a clerk of the court,

a declaration swearing that you truly believe an ISP's subscriber is pirating your copyright, the clerk will then send the request to the ISP, and the ISP has no choice but to divulge the identifying information of the subscriber—name, address, phone number—to the complaining party. There are no checks, no balances, and the alleged pirate has no opportunity to defend themselves. My colleagues, this issue is about privacy not piracy.

The real harm here is that nothing in this quasi-subpoena process prevents someone other than a digital media owner—say a stalker, a pedophile, a telemarketer or even a spammer from using this quasi-subpoena process to gain the identity of Internet subscribers, including our children. In fact, we cannot even limit this subpoena process to mainstream copyright owners.

This past July, SBC Communications received a subpoena request for the personal information of approximately 60 of its Internet subscribers. The copyright owner that made the request is a hard core pornographer named Titan Media. We cannot permit the continued existence of a private subpoena that can be used by pornographers to easily identify Americans. If you have any doubt, all you need to do is look into the generous amnesty program offered by Titan Media to those it accuses of piracy: buy their porn, and they won't use the subpoena to identify you. The threat of abuse is simply too great, as Titan Media has already demonstrated.

The Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 requires the owners of digital media products to file an actual case in a court of law in order to obtain the identifying information of an ISP subscriber. This will provide immediate privacy protections to Internet subscribers by forcing their accusers to appear publicly in a court of law, where those with illicit intentions will not tread, and provides the accused with due process required to properly defend themselves.

In addition, the bill requires the Federal Trade Commission to study alternative means to this subpoena process, so that we may empower our Nation's intellectual property owners to defend their rights by pursuing those who are stealing from them, but to do so in a safe, private, confidential manner where consumers are concerned, and without burdening the courts. Transitioning to an FTC process will ensure that there can be speedy verification, due process, safety, and maximum protection for the innocent, while preserving maximum civil enforcement against pirates.

I do not offer this legislation to debate the history and merits of the DMCA. I offer this legislation for my colleagues consideration, because I find it untenable that any Internet subscribers' identifying information can be obtained, under government auspices no less, without any oversight or due process.

I want to be celar on an important point. This subpoena is mostly being sought by mainstream digital media owners who are seeking to prevent piracy performed using peer to peer file sharing software. While I am as disappointed as anyone that the mighty RIAA would choose to force a little 12-year-old girl—one of the Internet subscribers identified through an RIAA subpoena—and her mother to pay them $2000 for the girl's piracy, I am still opposed to piracy as much as any Member of Congress. I have a strong record on property rights to back that up. I have no interest in seeking to shield those who have committed piracy from the law or hamper the ability of property owners to defend their rights. My concern with this quasi-subpoena process is with the problems it creates. I have made it very clear to all stakeholders that I stand ready to work on alternative legislation if they perefer something else to this provision, but unfortunately that offer has been flatly rejected.

This week the Senate voted to reverse the Federal Communications Commission's new media ownership regulations. I opposed that resolution, because I do not believe the FCC's amendments to its media outlet ownership rules are a threat to competition and diversity. However, I do stand with my colleagues in supporting a media marketplace where information flows from numerous sources and our constituents are empowered by a full range of robust digital outlets and new digital technologies available to them in the 21st century media marketplace. While well intentioned, I believe my colleagues are simply focusing on the wrong issues in the current debate over media ownership.

Digital rights management, otherwise known simply as DRM, refers to the growing body of technology—software and hardware—that controls access to and use of information, including the ability of individuals to distribute that information over the Internet. Over the past few years the large media companies have persistently sought out new laws and regulations that would mandate DRM in the marketplace, denying consumers and the educational community the use of media products as has been customarily and legally permitted.

As a result, the Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 will preclude the FCC from mandating that consumer electronics, computer hardware, telecommunications networks, and any other technology that facilitates the use of digital media products, such as movies, music, or software, be built to respond to particular digital rights management technologies.

Consumers and the educational community are legally permitted to use media products in a host of ways. Some of these uses are specifically identified in the Copyright Act as limitations on the rights of copyright owners. Many of these uses are the result of court decisions interpreting one of those limitations, the limitation known as Fair Use, and customs based on those court decisions. As a result, consumers can record cable and broadcast programming for non-commercial, private home use. They can lend DVDs and CDs to friends and family. They can make copies of movies and music in different formats so that they can use them with different types of playback devices. Media products can be used for criticism, research, and a range of other educational purposes that include acts of redistribution. All of these uses of content can be made by consumers and the educational community under the Copyright Act, and none of them require the permission of the copyright owner.

The same digital marketplace that has given rise to DRM is also updating the ways consumers and the educational community may use media products in powerful new ways. Broadband connectivity and new digital networking technologies—used in homes, offices, schools, and libraries—raise the prospect of never having to use physical media again. Instead, consumers, employees, students, and library patrons could access legally owned and legally possessed media products that reside on such a network remotely, via the Internet. These developments could revolutionize the information age at its onset.

Digital rights management can both help and hinder this evolutionary process. DRM can be a powerful tool for combating digital piracy. It can tether digital content to specific devices, preventing that content from being used on other devices. DRM can also prohibit Internet redistribution of digital media products.

DRM also has its downside, especially when it is incorporated into digital media products, and purchased unwittingly by consumers. Some consumers have already become acquainted with DRM in the marketplace this way. Less than 2 years ago music labels began selling copy-protected CDs. Consumers came to find their CDs—that look just like the CDs they have been purchasing for years—would not play on many personal computers, and in some instances became lodged inside them. In addition, they could no longer make the legal practice of converting them into digital MP3 files for use on portable MP3 players. More recently, consumers purchasing the popular tax filing software, Turbo Tax, came to realize they could only use the software on the first computer they downloaded it onto, never mind situations where they desperately needed to complete their tax filings on a different computer. I have no doubt that came as a nice surprise to taxpayers pressing to meet filing deadlines. It is my understanding that many consumers are registering their view on this use of DRM by purchasing competing software not so limited.

When combined with government mandates requiring that all consumer appliances use or respond to specific DRM technologies and capabilities, the potential for mass consumer confusion and disservice is clear. I introduce this legislation today, because DRM mandates sought by the major media companies are threatening to create just such an experience for consumers and the educational community. I can think of no greater threat to media and information diversity and competition than large, vertically integrated media and Internet companies using DRM technology mandates to not only control distribution of content, but also the ways in which that content is used by consumers in the privacy of their homes, by teachers in our Nation's classrooms and educational institutions, and by all Americans in our libraries.

Last week, the Federal Communications Commission adopted regulations approving a private sector agreement between the cable TV industry and the consumer electronics industry, called the Cable-CE ''Plug and Play'' agreement. The Plug and Play agreement governs how consumer electronics devices, information technology, and cable TV networks work together. Both the cable TV and CE industries should be commended for working together to make digital TV sets ''cable ready,'' and speeding the transition to digital television for consumers.

This private agreement includes digital rights management provisions—called ''encoding rules—that are aimed at protecting cable TV programming from piracy, but in a manner that seeks to preserve the customary and legal uses of media by consumers and the educational community to the greatest degree possible.

The agreement is technology neutral, in that new DRM content protection technologies may be devised and deemed compliant with the security protocols of the Plug and Play agreement. A proponent of a new content protection technology has a right to appeal to the FCC if Cable Labs rejects that technology, and the FCC will conduct a de novo review based on objective criteria. Unfortunately, the Commission may take a very different approach in protection broadcast digital television programming from piracy in its ''Broadcast Flag'' proceeding, as first proposed by the big media companies, and later joined by a very select group of electronics companies that own the patent in the one DRM technology, 5C approved for use in the proposal. The broadcast flag proposal requires every device that receives digital television content to recognize a ''flag'' that can be attached to DTV programming, and to respond to the flag by encrypting the content using an ''authorized technology'' that would be expressly required by FCC regulation.

Unlike the Plug and plan agreement, the broadcast flag proposal makes it difficult for new DRM technologies to be deemed ''Broadcast Flag'' compliant. The principal approval role for alternate DRM content protection technologies is vested in several big media companies and some of the narrow group of electronics companies owning the patent in 5C. In the only circumstance under this proposal where the FCC would have a role in approving a new technology, the baseline for FCC consideration would be the preordained 5C technology and their associated license terms. I hardly consider a proposal to be technology neutral when such important competitive determinations are placed in the hands of invested stakeholders as gatekeepers. Such a proposal deprives the market place of the very qualities the media companies need to fight piracy: competition and innovation. I commend Intel, one of the 5C companies, for recognizing this grim reality and being bold enough to support a different course, as I will outline in a moment.

The important of technological neutrality in the Plug and Play agreement versus the tech mandate in the Broadcast Flag becomes very clear when you review the particular provisions of each agreement.

In today's world, a DRM technology does not seem to exist that can both permit consumers to use the Internet to legally access content stored in their homes—on a home network for instance—while also preventing the unfettered Internet redistribution of such content. However, because the Cable-CE agreement envisions new DRM technologies, and make it possible for them to be approved for use with cable networks and CE devices, the potential for a new DRM technology that can strike this important balance exists.

Since the Flag proposal is so closed off to new technologies, it is unlikely that it will evolve to permit point-to-point redistribution of digital broadcast content over the Internet, for example, from one's home to one's office or from a son or daughter to any elderly parent. Furthermore 5C is capable of completely locking down the ways consumers and the educational community can record or otherwise use DTV content. It is no wonder then that the technical specifications for the actual Flag itself in major media's proposal provides for the possibility that it can be used to send new, more restrictive encoding rules to consumer electronics devices that operate DTV content.

The Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 will ensure that anti-piracy policies for broadcast DTV will provide maximum protections for industry, but in a manner that relies on innovation, competition, and serving the interests of consumers to achieve that goal.

First, the bill prohibits the Federal Communications Commission from moving forward with any new proceedings that impact the ways in which consumers may access or distribute digital media products, aside from the two previously mentioned proceedings. This will negate any future efforts by the big media companies to further expand the ways in which they can control how content may be legally used.

Second, the bill sets ground rules for the FCC's broadcast flag proceeding. It permits the FCC, if it has such authority, to require consumer electronics companies to detect a Broadcast Flag and prohibit illegal Internet retransmission of digital broadcast programming to the public when it detects the flag. However, this proposal relies on a self-certification requirement, so consumer electronics and information technology companies can deploy competing and innovative DRMs that prohibit DTV piracy immediately, not subject to the whims of industry gatekeepers. Like the Plug and Play agreement this proposal provides a meaningful role for the FCC, not industry stakeholders, to resolve any controversies that may arise with new technologies.

In addition to addressing the threat of FCC tech mandates in the broadcast DTV space, this legislation also addresses other important concerns regarding the introduction of DRM into the marketplace, to prevent some of the experiences of consumers with this important technology to date.

First, the bill provides on year for all stakeholders in the digital media marketplace to voluntarily devise a labeling regime for all DRM-enabled digital media products, including those made available solely online, so consumers will know what they are buying when they but it.

Second, the bill prohibits the use of DRM technologies to prevent consumers from reselling the used digital media products they no longer want, or from donating used digital media products to schools and libraries.

Finally, the bill directs the Federal Trade Commission—our Nation's premier consumer protection agency—to carefully monitor the introduction of DRM into the marketplace, reporting to Congress in incidents of consumer confusion and dissatisfaction, and suggesting measures that can ease the impact DRM has on law abiding consumers.

The Senate has responded to what many view as the threat of increasing consolidation in the media marketplace. If my colleagues are concerned with consolidation in outlet ownership then I have no doubt they will be equally concerned with Federally-mandated controls over how consumers and the educational community may actually use information flowing through those outlets. Piracy Prevention is a goal we can all work together to pursue. DRM-mandated business models, however, should not be the product of this Congress or any agency under our jurisdiction. The Federal Communications Commission seems to be missing this point. I encourage all of my colleagues to work with me to put the

brakes on the FCC. Support the Consumers, Schools, and Libraries Digital Rights Management Awareness of 2003.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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 ''Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is not in the interest of our nation's economy, marketplace innovation, nor consumer or educational community welfare for an agency of the Federal government to mandate the inclusion of access or redistribution control technologies used with digital media products into consumer electronics products, computer products, or telecommunications and advanced services network facilities and services, except pursuant to a grant of specific and clear authority from Congress to assure a result in its regulations, and when the mandate is derived from voluntary private-sector efforts that protect the legal, reasonable, and customary practices of end-users.

(2) The limited introduction into commerce of access controlled compact discs has caused some consumer, educational institution, and library confusion and inconvenience, and has placed increased burdens on retailers, consumer electronics manufacturers, and personal computer manufacturers responding to consumer, educational institution, and library complaints.

(3) The private and public sectors should work together to prevent future consumer, educational institution, library, and industry confusion and inconvenience as legitimate access and redistribution control technologies become increasingly prevalent in the marketplace.

(4) The private sector should make every effort, in a voluntary process, to provide for consumer, educational institution, and library awareness and satisfaction as access and redistribution control technology are increasingly deployed in the marketplace.

(5) The Federal Trade Commission, in the absence of successful private sector efforts, should ensure that consumers, educational institutions, and libraries are provided with adequate information with respect to the existence of access and redistribution control technologies in the digital media products they purchase, and how such technologies may implicate their ability to use such products.

(6) It is not in the interests of consumer welfare, privacy, and safety, or for the continued development of the Internet as a communications and economic resource, for the manufacturers of digital media products or their representatives to be permitted to require Internet access service providers merely providing subscribers with transport for electronic communications to disclose a subscriber's personal information, absent due process and independent of the judicial scrutiny required to ensure that such requests are legitimate.

(7) The Federal Trade Commission should ensure that consumers' welfare, privacy, and safety are protected in regards to requests by manufacturers of digital media products or their representatives for Internet service provider disclosure of subscribers' personally identifiable information outside of the judicial process.

(8) It is not in the interests of our nation's economy, marketplace innovation, nor consumer, educational institution, and library welfare to permit the advent of access or redistribution control technologies to limit the existence of legitimate secondary markets for digital media products, a traditional form of commerce that is founded in our nation's economic traditions, provides critical resources for our nation's educational institutions and libraries, and is otherwise consistent with applicable law.

SEC. 3. PROHIBITION ON FCC TECHNOLOGY MANDATES.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) a successful transition to digital television will occur based on the mutual cooperation of all stakeholders, and no one stakeholder's property interests outweigh another's interests;

(2) the transition to digital television will be successful to the degree it meets consumers' expectations based on the ways they have come to expect to be able to receive and use over-the-air television in the privacy of their own homes and otherwise;

(3) digital convergence provides new tools for industry to offer innovative and varied products compared to the traditional analog marketplace, and it also provides. consumers with innovative and varied means of using digital content. In this respect, interoperability between digital television products and digital cable systems remains an important objective;

(4) a successful transition to digital television will maintain this important balance of interests; and

(5) suggestions that consumers do not have certain expectations in the digital marketplace simply because they have never had access to a particular digital capability, or the expectation of using or relying on such a capability, are not dispositive of reasonable and customary consumer access and use practices.

(b) PROHIBITION ON TECHNOLOGY MANDATES.—Except as specifically authorized by Congress the Federal Communications Commission may not require a person manufacturing, importing into, offering for sale, license or distribution in, or affecting, interstate commerce in the United States a device, machine, or process that is designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product—

(1) to incorporate access control technology, or the ability to respond to such technology, into the design of such a device, machine, or process; or

(2) to incorporate redistribution control technology, or the ability to respond to such technology, into the design of such a device, machine, or process.

(c) EFFECT ON PENDING FCC RULEMAKING PROCEEDINGS.—

(1) Nothing herein shall prohibit or limit the Commission from issuing the regulations proposed for adoption in the ''cable plug and play'' proceeding in CS Docket No. 97–80 and PP Docket No. 00–67.

(2) If the Commission determines that it has the authority to issue regulations in MB Docket No. 02–230, it shall not be barred by subsection (b) of this section from issuing such regulations, provided, however, that such regulations shall—

(A) preserve reasonable and customary consumer, educational institution, and library access and use practices;

(B) not include, directly or indirectly, any requirement that a device, machine, or process designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product, be manufactured using any particular redistribution control technology or technologies, but only may provide for establishment of objective standards to achieve a functional requirement of preventing illegal redistribution of digital terrestrial television broadcast programming to the public over the Internet; and

(C) provide for manufacturer self-certification, to be enforced exclusively by the Commission pursuant to its existing enforcement authority, that a redistribution control technology meets the requirements in subparagraphs (A) and (B) of this subsection and does not interfere with unrelated distribution of content over the Internet.

SEC. 4. CONSUMER, EDUCATIONAL INSTITUTION, AND LIBRARY AWARENESS.

(a) CONSUMER, EDUCATIONAL INSTITUTION, AND LIBRARY DIGITAL RIGHTS MANAGEMENT AWARENESS ADVISORY COMMITTEE.—The Federal Trade Commission shall, as soon as practicable after the date of enactment of this Act, establish an advisory committee for the purpose of informing the Commission about the ways in which access control technology and redistribution control technology may affect consumer, educational institution, and library use of digital media products based on their legal and customary uses of such products, and how consumer, educational institution, and library awareness about the existence of such technologies in the digital media products they purchase or otherwise come to legally own may be achieved.

(b) ADVISORY COMMITTEE REQUIREMENTS.—In establishing an advisory committee for purposes of subsection (a) of this section, the Commission shall—

(1) ensure that it includes representatives of radio and television broadcasters, television programming producers, producers of motion pictures, producers of sound recordings, publishers of literary works, producers of video games, cable operators, satellite operators, consumer electronics manufacturers, computer manufacturers, any other appropriate manufacturers of electronic devices capable of utilizing digital media products, telecommunications service providers, advanced service providers, Internet service providers, consumer interest groups, representatives of educational institutions, representatives of libraries, and other interested individuals from the private sector, and is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee; and

(2) provide to the committee such staff and resources as may be necessary to permit it to perform its functions efficiently and promptly; and

(3) require the committee to submit a final report, approved by a majority of members, of its recommendations within one year after the date of the appointment of the initial members.

(c) FTC NOTICE AND LABELING.—Except as provided in subsection (d)—

(1) no person shall offer for sale, license, or use by a consumer, educational institution, or a library an access controlled digital media product or a redistribution controlled digital media product, unless that person has provided clear and conspicuous notice or a label on the product, at the point of sale or distribution to such consumer, educational institution or library as prescribed by the Federal Trade Commission, such that the notice or label identifies any restrictions the access control technology or redistribution control technology used in or with that digital media product is intended or reasonably could be foreseen to have on the consumers', educational institutions', or libraries' use of the product; and

(2) this subsection shall not apply to a distributor or vendor of a digital media product unless such distributor or vendor has actual knowledge that the product contains or is restricted by access control technology or redistribution control technology and that the notice or label described in this subsection is not visible to the consumer, educational institution, or library at the point of distribution or transmission.

(d) APPLICABILITY AND EFFECTIVE DATE.—Subsection (c) shall take effect 1 year after the date of enactment of this Act unless the Commission determines, in consultation with the advisory committee created in subsection (b) of this section, that manufacturers of digital media products have, by such date—

(1) established voluntary rules for notice and labeling of access controlled or redistribution controlled digital media products, including when both access control technology and redistribution control technology are used in or with digital media products, designed to create consumer, educational institution, and library awareness about the ways in which access control technology or redistribution control technology will affect their legal, expected, and customary uses of digital media products; and

(2) agreed voluntarily to implement the rules for notice and labeling of access controlled digital media products or redistribution controlled digital media products, including when both access control technology and redistribution control technology are used in or with digital media products.

SEC. 5. CONSUMER PRIVACY.

(a) IN GENERAL.—Notwithstanding any other provision of law, an Internet access service may not be compelled to make available to a manufacturer of a digital media product or its representative the identity or personal information of a subscriber or user of its service for use in enforcing the manufacturer's rights relating to use of such product on the basis of a subpoena or order issued at the request of the manufacturer or its representative except under a valid subpoena or court order issued at the request of the manufacturer or its representative in a pending civil lawsuit or as otherwise expressly authorized under the Federal Rules of Civil Procedure or the civil procedure rules of a State.

(b) Subsection (a) shall not apply to requests for personal information authorized by another provision of law relating to allegedly unlawful use of a digital media product residing, and not merely stored for a temporary or transient period, on the system or network of the Internet access service.

SEC. 6. SECONDARY MARKETS FOR USED DIGITAL MEDIA PRODUCTS.

(a) CONSUMER SECONDARY MARKETS.—The lawful owner of a digital media product may transmit a copy of that product by means of a transmission to a single recipient as long as the technology used by that person to transmit the copy automatically deletes the digital media product contemporaneously with transmitting the copy.

(b) SECONDARY MARKETS FOR CHARITABLE DONATIONS TO EDUCATIONAL INSTITUTIONS AND LIBRARIES.—A person manufacturing, importing into, or offering for sale in, or affecting, interstate commerce in the United States a digital media product may not incorporate, impose, or attempt to impose any access control technology or redistribution control technology used in or with a digital media product that prevents a consumer from donating digital media products they own to educational institutions or libraries, subject to subsection (a).

(c) NO DISABLING TECHNOLOGY.—A person manufacturing, importing into, or offering for sale in, or affecting, interstate commerce in the United States a digital media product may not incorporate, impose, or attempt to impose any access control technology or redistribution control technology used in or with a digital media product that limits consumer resale of a digital media product described in subsection (a) or charitable donations described in subsection (b) to specific venues or distribution channels.

SEC. 7. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report containing the following information:

(1) The extent to which access controlled digital media products and redistribution controlled digital media products have entered the market over the preceding 2 years.

(2) The extent to which such digital media products allow consumers, educational institutions, and libraries to engage in all lawful uses of the product, and to which the Commission has received complaints from consumers, educational institutions, and libraries about the implementation of return policies for consumers, schools, and libraries who find that an access controlled digital media product or a redistribution controlled digital media product does not operate properly in a device capable of utilizing the product, or cannot be transmitted lawfully over the Internet.

(3) The extent to which manufacturers and retailers have been burdened by consumer, educational institutions, and library returns of devices unable to play or otherwise utilize access controlled digital media products or redistribution controlled digital media products.

(4) The number of enforcement actions taken by the Commission under this Act.

(5) The number of convictions or settlements achieved as a result of those enforcement actions.

(6) The number of requests Internet service providers have received from manufacturers of digital media products or their representatives seeking disclosure of subscribers' personal information, and the number of electronic requests Internet Service Providers have received from manufacturers of digital media products or their representatives requesting that a subscriber be disconnected from their service outside of any judicial process.

(7) Legislative or other requirements the Commission recommends in creating an office within the Commission to receive, verify, and process requests from manufacturers of digital media companies or their representatives to obtain the personal information of a subscriber to an Internet access service they legitimately suspect of misusing their property.

(8) An analysis of the ways consumers, educational institutions, and libraries commonly expect to be able to use digital media products, whether including access control technology or redistribution control technology or otherwise, when they purchase, legally own, or pay to use such products.

(9) Any proposed changes to this Act the Commission believes would enhance enforcement, eliminate consumer, educational institution, and library confusion, or otherwise address concerns raised by end-users with the Commission under this Act.

SEC. 8. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Except with regard to section 3, this Act shall be enforced by the Federal Trade Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision is an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating sections 4, 5 or 6 of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of sections 4, 5 or 6 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner as if all applicable terms and provisions of the Federal Trade Commission Act were in incorporated into and made a part of those sections.

(d) 1 YEAR WINDOW FOR COMPLIANCE.—The Commission may not, less than 1 year after the date of enactment of this section, initiate an enforcement action under this section for a violation of section 4.

SEC. 9. DEFINITIONS.

For the purposes of this Act:

(1) ACCESS CONTROLLED DIGITAL MEDIA PRODUCT.—The term ''access controlled digital media product'' means a digital media product, as defined in this section, to which an access control technology has been applied.

(2) ACCESS CONTROL TECHNOLOGY.—The term ''access control technology'' means a technology or process that controls or inhibits the use, reproduction, display, transmission or resale, or transfer of control of a license to use, of a digital media product.

(3) DIGITAL MEDIA PRODUCT.—The term ''digital media product'' means—

(a) a literary work;

(b) a pictorial and graphic work;

(c) a motion picture or other audiovisual work;

(d) a sound recording; or

(e) a musical work, including accompanying words that is distributed, broadcast, transmitted, performed, intended for sale, or licensed on nonnegotiable terms, to the general public, in digital form, either electronically or fixed in a physical medium.

(4) FUNCTIONAL REQUIREMENT.—The term ''functional requirement'' means any rule or regulation enacted by the Federal Communications Commission that requires a device, machine, or process designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product to be able to perform certain functions or include certain generic capabilities, independent of any requirement that specific technologies be incorporated to meet the functional requirement.

(5) INTERNET.—The term ''Internet'' has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

(6) INTERNET ACCESS SERVICE.—The term ''Internet access service'' has the same meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(7) MANUFACTURER.—The term ''manufacturer of a digital media product'' means any person owning any right in the digital media product.

(8) PERSONAL INFORMATION.—The term ''personal information'' has the same meaning given that term in section 1301(8) of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501(8)), including any other information about an individual, and including information that an Internet access service collects and combines with an identifier described in subparagraphs (A) through (F) of that section.

(9) REDISTRIBUTION CONTROLLED DIGITAL MEDIA PRODUCT.—The term ''redistribution

controlled digital media product'' means a digital media product, as defined in this section, to which a redistribution control technology has been applied.

(10) REDISTRIBUTION CONTROL TECHNOLOGY.—The term ''redistribution control technology'' means a technology or process that controls or inhibits the transmission of a digital media product over the Internet following its initial receipt by a member of the public, without regard to whether such transmission is for the purpose of use, reproduction, performance, resale, or transfer of a license to use, the digital media product.

By Mr. DASCHLE (for Mr. GRAHAM of Florida (for himself, Mr. HAGEL, Mrs. CLINTON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. DAYTON, Mr. AKAKA, and Mrs. MURRAY)):

S. 1622. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. GRAHAM. Mr. President, Senators HAGEL, CLINTON, BEN NELSON, MURKOWSKI, DAYTON, MURRAY, AKAKA, and I are introducing legislation to help service members who are injured or become ill while serving in combat. Today, if one of our soldiers, sailors, airmen, or marines fighting in Iraq or in Afghanistan are wounded or suffer an illness, they are evacuated to a military hospital. The problem is when they are discharged from the hospital they are given a bill for the meals they were served while being treated.

Under current law, service members are required to pay for their meals at a rate of $8.10 per day while they are in a military hospital. For example, a Marine Staff Sergeant recently spent 26 days in the hospital recovering from injuries endured when an Iraqi child dropped a hand grenade in the HUMVEE he was driving. Upon his discharge from the hospital, he was handed a bill for $243 for his meals. While eight dollars a day may not seem like a lot of money to you or me, it is to a private who makes less than $14,000 a year. If we are looking to save money, we should not turn first to the pockets of our injured service members.

The bill we introduce today is simple. It will prohibit the Department of Defense from charging troops for meals when they are hospitalized as a result of either injury or illness while in combat or training for combat. This legislation shows strong support for our service members currently in harm's way and helps to alleviate a financial burden on our injured soldiers.

This bill is similar to one filed by Congressman BILL YOUNG in the House of Representatives, but also covers those who become ill while in combat or training for combat. We already know that over 100 soldiers deployed to the Persian Gulf region and Central Asia have contracted pneumonia, 30 that become so ill that they had to be evacuated to hospitals in Europe or the United States. This situation highlights why we must include those who suffer from illness as well as injury. I am grateful to Congressman YOUNG for his leadership on this issue and am hopeful we can work together to quickly pass legislation to end the unfair practice of charging our injured service members for hospital meals.

The cost to the government for correcting this serious injustice is significant. This year, the Department of Defense has recouped only $1.5 million for hospital meals from hospitalized service members world-wide. This legislation is even more limited in scope, as it only applies to those who become ill or injured during combat or situations simulating combat. While I am cognizant of the budget constraints our military is facing, this is a comparatively small expense that will mean a great deal to those service members affected.

Service members and military families are facing many challenges right now. They have to contend with long separations, potential financial hardships from extended Reserve and Guard call-ups, not to mention the very real fear of being wounded in combat. We should not add to these burdens by charging them for their meals after a lengthy hospital stay for a combat-related condition.

I urge my colleagues to join me and my colleagues in quickly moving this legislation.

I ask unanimous consent that the text of the bill, the following editorial in support of ending this injustice from the Omaha World Herald, entitled ''Nickel and Diming the Troops'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1622

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

SECTION 1. EXEMPTION OF CERTAIN MEMBERS OF THE ARMED FORCES FROM REQUIREMENT TO PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED.

(a) IN GENERAL.—Section 1075 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''When''; and

(2) by striking the second sentence and inserting the following:

''(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

''(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

''(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 of this title because of an injury or disease incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(A) as a direct result of armed conflict;

''(B) while engaged in hazardous service;

''(C) in the performance of duty under conditions simulating war; or

''(D) through an instrumentality of war.''.

(b) EFFECTIVE DATE.—Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act, and shall apply with respect to injuries or diseases incurred on or after that date.

[From the Omaha World Herald, Sept. 16, 2003]

NICKEL-AND-DIMING THE TROOPS

It seems just plain mean-spirited to bill injured soldiers for their food.

The U.S. government does, indeed, put a price on the sacrifices of the men and women injured in military combat: $8.10 per day.

That's the daily food allowance soldiers receive, which in 1981 Congress decided enlisted soldiers must repay to the government when they're ''lucky'' enough to be hospitalized and get free food.

It sounds like good fiscal sense in theory—until you confront the reality of a Marine Corps reservist who lost part of his foot in Iraq, unaware he'd get a $210.60 bill upon discharge from the National Navy Medical Center in Bethesda, Md. Or the many other soldiers like him, sometimes hospitalized for long periods, sometimes handicapped for life.

And the government is busy nickel-and-diming these heroes amid a bureaucracy where a million dollars is penny-ante change. (Once upon a time, it might have bought a hammer and a toilet seat or two.)

Florida Rep. C.W. Bill Young, chairman of the House Appropriations Committee, personally paid the tab for the reservist hospitalized in Bethesda. His bill to correct the inequity, introduced Sept. 3, already has 114 co-sponsors. It seems likely to sail through Congress in the next few weeks.

Technically, the 1981 law does prevent ''double-dipping''—paying the hospitalized soldiers the $8.10 food allowance and feeding them, too. But the government already bends the rules for soldiers in combat. Young's bill would extend that exception to soldiers battling to recover from combat injuries.

What a small price to pay for the men and women who paid so much to protect this country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 226—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JOSUE ORTA RIVERA V. CONGRESS OF THE UNITED STATES OF AMERICA, ET AL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 226

Whereas, in the case of *Josue Orta Rivera* v. *Congress of the United States of America, et al.*, Civil No. 03–1684 (SEC), pending in the United States District Court for the District of Puerto Rico, the plaintiff has named an defendants all Members of the Senate, as well as the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and Officers of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C.

§288g(c), the Senate may direct its counsel to perform other duties: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all Members of the Senate, the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress, in the case of *Josue Orta Rivera* v. *Congress of the United States of America, et al.*

SENATE RESOLUTION 227—EXPRESSING THE PROFOUND SORROW OF THE SENATE FOR THE DEATH OF INDIANA GOVERNOR FRANK O'BANNON AND EXTENDING THOUGHTS, PRAYERS, AND CONDOLENCES TO HIS FAMILY, FRIENDS AND LOVED ONES

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 227

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the United States Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Frank O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Frank O'Bannon will be remembered as a loving husband to his wife Judy, a devoted father to his 3 children, and a caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003;

(2) extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(3) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the United States Air Force and the Indiana State Legislature, and as Governor of Indiana; and

(4) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

SENATE CONCURRENT RESOLUTION 69—PROVIDING THAT ANY AGREEMENT RELATING TO TRADE AND INVESTMENT THAT IS NEGOTIATED BY THE EXECUTIVE BRANCH WITH OTHER COUNTRIES MUST COMPLY WITH CERTAIN MINIMUM STANDARDS

Mr. FEINGOLD submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 69

Whereas there is general consensus among the American public and the global community that, with respect to international trade and investment rules—

(1) global environmental, labor, health, food security, and other public interest standards must be strengthened to prevent a global ''race to the bottom'';

(2) domestic environmental, labor, health, food security, and other public interest standards and policies must not be undermined, including those based on the use of the precautionary principle, the internationally recognized legal principle which holds that, when there is scientific uncertainty regarding the potential adverse effects of an action or a product or technology, governments should act in a way that minimizes the risk of harm to human health and the environment;

(3) provision and regulation of public services such as education, health care, transportation, energy, water, and other utilities are basic functions of democratic government and must not be undermined;

(4) raising standards in developing countries requires additional assistance and respect for diversity of policies and priorities;

(5) countries must be allowed to design and implement policies to sustain family farms and achieve food security;

(6) healthy national economies are essential to a healthy global economy, and the right of governments to pursue policies to maintain and create jobs must be upheld;

(7) the right of State and local and comparable regional governments of all countries to create and enforce diverse policies must be safeguarded from imposed downward harmonization; and

(8) rules for the global economy must be developed and implemented democratically and with transparency and accountability; and

Whereas many international trade and investment agreements in existence and currently being negotiated do not serve these interests, and have caused substantial harm to the health and well-being of communities in the United States and within countries that are trading partners of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That any agreement relating to trade and investment that is negotiated by the executive branch with other countries should comply with the following:

(1) REGARDING INVESTOR AND INVESTMENT POLICY.—No such agreement that includes provisions relating to foreign investment may permit foreign investors to challenge or seek compensation because of a measure of a government at the national, State, or local level that protects the public interest, including, but not limited to, public health, safety, and welfare, the environment, and worker protections, unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments.

(2) REGARDING SERVICES.—Any such agreement, to the extent applicable, shall comply with the following:

(A)(i) The agreement may not discipline government measures relating to—

(I) public services, including public services for which the government is not the sole provider;

(II) services that require extensive regulation;

(III) essential human services; and

(IV) services that have an essentially social component.

(ii) The services described in subclauses (I) through (IV) of clause (i) include, but are not limited to, public benefit programs, health care, health insurance, public health, child care, education and training, the distribution of controlled substances and products, including alcohol and tobacco and firearms, research and development on natural and social sciences, utilities including energy utilities, water, waste disposal and sanitation, national security, maritime, air, surface, and other transportation services, postal services, energy extraction and related services, and correctional services.

(B) The agreement shall permit countries that have made commitments in areas covered in subparagraph (A) to revise those commitments for the purposes of public interest regulation without financial or other trade-related penalties.

(C) The agreement shall ensure that rules on subsidies and government procurement fully protect the ability of governments to support and purchase services in ways that promote economic development, social justice and equity, public health, environmental quality, and human and workers' rights.

(D) The agreement shall make no new commitments on the temporary entry of workers because such policies should be determined by the Congress, after consideration by the congressional committees with jurisdiction over immigration to avoid an array of inconsistent policies and policies which fail to—

(i) include labor market tests that ensure that the employment of such temporary workers will not adversely affect other similarly employed workers;

(ii) involve labor unions in the labor certification process implemented under the immigration program for temporary workers under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, including the filing by an employer of an application under section 212(n)(1) of that Act; and

(iii) guarantee the same workplace protections for temporary workers that are available to all workers.

(E) The agreement shall guarantee that all governments that are parties to the agreement can regulate foreign investors in services and other service providers in order to protect public health and safety, consumers, the environment, and workers' rights, without requiring the governments to establish their regulations to be the least burdensome option for foreign service providers.

(3) REGARDING POLICIES TO SUPPORT AMERICAN WORKERS AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.—Any such agreement shall preserve the right of Federal, State, and local governments to maintain or establish policies to support American workers and small, minority, or women-owned businesses, including, but not limited to, policies with respect to government procurement, loans, and subsidies.

(4) REGARDING ENVIRONMENTAL, LABOR, AND OTHER PUBLIC INTEREST STANDARDS.—Any such agreement—

(A) may not supersede the rights and obligations of parties under multilateral environmental, labor, and human rights agreements; and

(B) shall, to the extent applicable, include commitments, subject to binding enforcement on the same terms as commercial provisions—

(i) to adhere to specified workers' rights and environmental standards;

(ii) not to diminish or fail to enforce existing domestic labor and environmental provisions; and

(iii) to abide by the core labor standards of the International Labor Organization (ILO).

(5) REGARDING UNITED STATES TRADE LAWS.—No such agreement may—

(A) contain a provision which modifies or amends, or requires a modification of or an amendment to, any law of the United States that provides to United States businesses or workers safeguards from unfair foreign trade practices, including any law providing for—

(i) the imposition of countervailing or antidumping duties;

(ii) protection from unfair methods of competition or unfair acts in the importation of articles;

(iii) relief from injury caused by import competition;

(iv) relief from unfair trade practices; or

(v) the imposition of import restrictions to protect the national security; or

(B) weaken the existing terms of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, or the Agreement on Subsidies and Countervailing Measures, of the World Trade Organization, including through the domestic implementation of rulings of dispute settlement bodies.

(6) REGARDING FOOD SAFETY.—No such agreement may—

(A) restrict the ability of the United States to ensure that food products entering the United States are rigorously inspected to establish that they meet all food safety standards in the United States, including inspection standards;

(B) force acceptance of different food safety standards as ''equivalent'', or require international harmonization of food safety standards, which undermine the level of human health protection provided under domestic law; or

(C) restrict the ability of governments to enact policies to guarantee the right of consumers to know where and how their food is produced.

(7) REGARDING AGRICULTURE AND FOOD SECURITY.—No such agreement may, with respect to food and other agricultural commodities—

(A) contain provisions that prevent countries from—

(i) establishing domestic and global reserves,

(ii) managing supply,

(iii) enforcing antidumping disciplines,

(iv) ensuring fair market prices, or

(v) vigorously enforcing antitrust laws,

in order to guarantee competitive markets for family farmers; or

(B) prevent countries from developing the necessary sanitary and phytosanitary standards to prevent the introduction of pathogens or other potentially invasive species which may adversely affect agriculture, human health, or the environment.

(8) REGARDING TRANSPARENCY.—(A) The process of negotiating any such agreement must be open and transparent, including through—

(i) prompt and regular disclosure of full negotiating texts; and

(ii) prompt and regular disclosure of negotiating positions of the United States.

(B) In negotiating any such agreement, any request or offer relating to investment, procurement, or trade in services must be made public within 10 days after its submission if such request or offer—

(i) proposes specific Federal, State, and local laws and regulations in the United States to be changed, eliminated, or scheduled under such an agreement, including, but not limited to, subsidies, tax rules, procurement rules, professional standards, and rules on temporary entry of persons;

(ii) proposes for coverage under such an agreement—

(I) specific essential public services, including, but not limited to, public benefits programs, health care, education, national security, sanitation, water, energy, and other utilities; or

(II) private service sectors that require extensive regulation or have an inherently social component, including, but not limited to, maritime, air transport, trucking, and other transportation services, postal services, utilities such as water, energy, and sanitation, corrections, education and childcare, and health care; or

(iii) proposes a discipline or process of general application which may interfere with the ability of the United States or State, local, or tribal governments to adopt, implement, or enforce laws and regulations identified in clause (i) or provide or regulate services identified in clause (ii).

(C) The broad array of constituencies representing the majority of the people of the United States, including labor unions, environmental organizations, consumer groups, family farm groups, public health advocates, faith-based organizations, and civil rights groups, must have at least the same representation on trade advisory committees and access to trade negotiators and negotiating fora as those constituencies representing commercial interests.

(D) Any dispute resolution mechanism established in any such agreement must be open and transparent, including through disclosure to the public of documents and access to hearings, and must permit participation by nonparties through the filing of amicus briefs, as well as provide for standing for State and local governments as intervenors.

(9) REGARDING GOVERNMENTAL AUTHORITY.—No such agreement may contain provisions that bind national, State, local, or comparable regional governments to limiting regulatory, taxation, spending, or procurement authority without an opportunity for public review and comment described in paragraph (8), and without the explicit, informed consent of the national, State, local, or comparable regional legislative body concerned, through such means as is decided by such legislative body.

(10) REGARDING ACCESS TO MEDICINES AND SEEDS.—(A) No such agreement may contain provisions that prevent countries from taking measures to protect public health by ensuring access to medicines.

(B) No such agreement may constrain the rights of farmers to save, use, exchange, or sell farm-saved seeds and other publicly available seed varieties.

(11) REGARDING DEVELOPING COUNTRIES.—Any such agreement must grant special and differential treatment for developing countries with regard to the timeframe for implementation of the agreement as well as other concerns.

Mr. FEINGOLD. Mr. President, I am pleased to submit legislation to establish some minimum standards for the trade agreements into which our Nation enters. This measure is a companion to H. Con. Res. 276, a resolution introduced in the other body by my colleague from Ohio, (Mr. BROWN).

The record of the major trade agreements into which our Nation has entered over the past few years has been dismal. Thanks in great part to the flawed fast track rules that govern consideration of legislation implementing trade agreements, the United States has entered into a number of trade agreements that have contributed to the significant job loss we have seen in recent years, and have laid open to assault various laws and regulations established to protect workers, the environment, and our health and safety. Indeed, those agreements undermine the very democratic institutions through which we govern ourselves.

The loss of jobs, especially manufacturing jobs, to other countries has been devastating to Wisconsin, and to the entire country. When I opposed the North American Free Trade Agreement, the Uruguay round of the General Agreement on Tariffs and Trade, Permanent Normal Trade Relations for China, and other flawed trade measures, I did so in great part because I believed they would lead to a significant loss of jobs. But even as an opponent of those agreements, I don't think I could have imagined just how bad things would get in so short a time.

The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem.

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the protections we have established for workers, the environment, and our public health and safety. And we cannot afford to squander our democratic heritage by entering into trade agreements that supercede our right to govern ourselves through open, democratic institutions.

The legislation I submit today sets forth principles for future trade agreements. It is a break with the so-called NAFTA model, and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development.

The principles set forth in this resolution are not complex. They are straightforward and achievable. The resolution calls for enforceable worker protections, including the core International Labor Organization standards.

It preserves the ability of the United States to enact and enforce its own trade laws.

It protects foreign investors, but states that foreign investors should not be provided with greater rights than those provided under U.S. law, and it protects public interest laws from challenge by foreign investors in secret tribunals.

It ensures that food entering into our country meets domestic food safety standards.

It preserves the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest.

It requires that trade agreements contain environmental provisions subject to the same enforcement as commercial provisions.

It preserves the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses.

It requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies. They are entirely consistent with the goal of increased international commerce, and in fact they advance that goal.

The outgrowth of the major trade agreements I referenced earlier has been a race to the bottom in labor standards, environmental standards, health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose.

We need to turn our trade policies around. We need to pursue trade agreements that will promote sustainable economic growth for our Nation and for our trading partners. The resolution I submit today will begin to put us on that path, and I urge my colleagues to support it.

AMENDMENTS SUBMITTED & PROPOSED

SA 1659. Mr. REED (for himself, Mr. LEVIN, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1660. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1661. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1663. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1664. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1665. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, supra.

SA 1666. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, supra.

SA 1667. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, supra.

SA 1668. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, supra.

SA 1669. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2754, supra.

SA 1670. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1671. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1672. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1673. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1674. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1675. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1676. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, supra.

SA 1677. Mr. REID (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill H.R. 2754, supra.

SA 1678. Mr. DOMENICI (for Mr. SHELBY) proposed an amendment to the bill H.R. 2754, supra.

SA 1679. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1680. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1681. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1682. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1683. Mr. DOMENICI (for Mr. SMITH) proposed an amendment to the bill H.R. 2754, supra.

SA 1684. Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1685. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1686. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1687. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, supra.

SA 1688. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1689. Mr. DOMENICI (for Mrs. DOLE) proposed an amendment to the bill H.R. 2754, supra.

SA 1690. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, supra.

SA 1691. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 2754, supra.

SA 1692. Mr. REID (for Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 2754, supra.

SA 1693. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1694. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1695. Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1696. Mr. DOMENICI (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2754, supra.

SA 1697. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill H.R. 2754, supra.

SA 1698. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1699. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 2754, supra.

SA 1700. Mr. DOMENICI (for Mr. THOMAS) proposed an amendment to the bill H.R. 2754, supra.

SA 1701. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1702. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, supra.

SA 1703. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1704. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill H.R. 2754, supra.

SA 1705. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2754, supra.

SA 1706. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, supra.

SA 1707. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1708. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1709. Mr. REID (for Mr. BYRD) proposed an amendment to the bill H.R. 2754, supra.

SA 1710. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, supra.

SA 1711. Mr. DOMENICI (for Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW)) proposed an amendment to the bill H.R. 2754, supra.

SA 1712. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1713. Mr. DOMENICI (for Mr. SPECTER) proposed an amendment to the bill H.R. 2754, supra.

SA 1714. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, supra.

SA 1715. Mr. DOMENICI (for Mr. WARNER (for himself, Mr. SARBANES, Mr. ALLEN, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2754, supra.

SA 1716. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, supra.

SA 1717. Mr. REID (for Mr. REED) proposed an amendment to the bill H.R. 2754, supra.

SA 1718. Mr. REID (for Mr. CORZINE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 2754, supra.

SA 1719. Mr. DOMENICI (for Mr. GRASSLEY (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill H.R. 2754, supra.

SA 1720. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, supra.

SA 1721. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, supra.

SA 1722. Mr. SANTORUM (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, supra.

TEXT OF AMENDMENTS

SA 1659. Mr. REED (for himself, Mr. LEVIN, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. NELSON of Florida) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available to the Department of Energy by this Act may be available for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the robust nuclear earth penetrator.

SA 1660. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading ''GENERAL INVESTIGATIONS'', not less than $1,500,000 shall be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640).

SA 1661. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 11 through 18.

SA 1662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 10, strike the period at the end and insert ": *Provided further,* That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.''.

On page 47, line 12, strike the period at the end and insert ": *Provided further,* That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.''.

SA 1663. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. PROJECT REAUTHORIZATIONS.

Section 364(5) of Public Law 106–53 (113 Stat. 314) is amended—

(1) by striking ''$18,265,000'' and inserting ''$21,075,000''; and

(2) by striking ''$9,835,000'' and inserting ''$7,025,000''.

SA 1664. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading ''ATOMIC ENERGY DEFENSE ACTIVITIES'' may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SA 1665. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

WORKING CAPITAL FUND

(RESCISSION)

From unobligated balances under this heading $4,525,000 are rescinded.

SA 1666. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10 strike ''853,517,000'' and insert in lieu thereof ''859,517,000''.

SA 1667. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. .That of the funds provided, an additional $3,000,000 shall be available for the Middle Rio Grande, NM project and an additional $3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

SA 1668. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 33, at the end of line 12 insert the following:

''BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

''For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.''

SA 1669. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the ''Secretary'') is authorized and directed to carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

SA 1670. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, after ''expended,'', insert the following: ''of which not less than $90,000,000 shall be used for Central and

Southern Florida (of which not less than $1,000 shall be made available to permit the Corps of Engineers and Palm Beach County, Florida, to execute a project cooperation agreement for project construction relating to the Winsberg Farm Wetland Restoration Project authorized under section 601(c) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2683)), and''.

SA 1671. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 8, after the colon, insert the following: ''*Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall allocate to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe not less than $9,000,000 of the funds made available under this heading for use in carrying out certain projects and activities under title VI of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 385)''.

SA 1672. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 12, before the period, insert the following: ''*: Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall allocate to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe not less than $5,000,000 of the funds made available under this heading for use in carrying out certain projects and activities under title VI of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 385)''.

SA 1673. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, strike ''$131,700,000, to remain available until expended:'' and insert ''$130,700,000, to remain available until expended, of which not more than $3,216,000 shall be used to carry out the Upper Mississippi and Illinois Navigation Study:''.

On page 4, line 25, after the colon, insert the following: ''*Provided further,* That the Secretary of the Army is directed to use not less than $21,000,000 of the funds made available under this heading to carry out the Upper Mississippi River System Environmental Management Program:''.

SA 1674. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 19, before the period at the end, insert the following: ''*: Provided further,* That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable''.

SA 1675. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 104, insert the following:

''The Secretary is directed and authorized to design, remove and dispose of oil bollards and associated debris in Burlington Harbor, VT, at full Federal expense.''

SA 1676. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LOWER COLORADO RIVER BASIN DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND. If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION. Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury may not be expended until further Act of Congress.

SA 1677. Mr. REID (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 33, line 12, before the period at the end, insert the following: ''*: Provided further,* That of the funds provided under this heading, an additional $5,000,000 may be available for the Mni Wiconi project, South Dakota''.

SA 1678. Mr. DOMENICI (for Mr. SHELBY) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 16, after the colon, insert the following: ''*Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use not less than $5,461,000 of the funds made available under this heading for the Alabama-Coosa River, Alabama (including for routine operations and maintenance work at Swift Creek Park), of which not less than $2,500,000 may be used for annual maintenance dredging of navigational channels of the Alabama-Coosa River''.

SA 1679. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3___. REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT.

Not later 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

SA 1680. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, lines 11 through 14, strike ''$56,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and,'' and insert ''$56,330,000 shall be available for transfer to the Upper Colorado River Basin Fund: Provided, That the Secretary of the Interior shall release to the Congress and the public a report prepared by the Bureau of Reclamation detailing project cost overruns and including revised cost estimates and project recommendations within 90 days of enactment of this Act and,''

SA 1681. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 67, strike line 7 through line 11 and insert in lieu thereof:

''SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT.

''Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

''(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).'.''

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

SA 1682. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Section 560(f) of the Public Law 106–53 is amended by striking ''$5,000,000'' and inserting in lieu thereof ''7,500,000''.

SA 1683. Mr. DOMENICI (for Mr. SMITH) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, between lines 5 and 6, insert the following:

SEC. 2___. TUALATIN RIVER BASIN, OREGON.

(a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) FEDERAL SHARE.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) ACTIVITIES.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

SA 1684. Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 21, before the period at the end, insert the following: ''*: Provided further,* That the Secretary of the Army is directed to use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program''.

SA 1685. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio.

SA 1686. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 20, before the period at the end, insert '', of which $400,000 shall be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative''.

SA 1687. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 6, strike ''$56,525,000'' and insert ''$54,425,000''.

On page 42, between lines 5 and 6, insert the following:

SEC. 2___. FACILITATION OF INDIAN WATER RIGHTS.

The Secretary of the Interior may extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to facilitate Indian water rights settlements in the State of Arizona.

SA 1688. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further,* That within funds provided herein, $500,000 may be used for completion of design and initiation of construction of the McCarran Ranch, NV, environmental restoration project

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SA 1689. Mr. DOMENICI (for Mrs. DOLE) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 16, line 12, before the period at the end, insert the following: ''*: Provided further,* That the Secretary of the Army may use $3,000,000 of the funds provided under this heading to undertake, in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks''.

SA 1690. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 2, line 18, after ''expended'' insert the following: '', of which $500,000, along with $500,000 of the unobligated balance of funds made available under this heading in the Energy and Water Appropriations Act, 2003, may be transferred to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah''.

SA 1691. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water and development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 8, strike ''facilities:'' and insert ''facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon''.

SA 1692. Mr. REID (for Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading ''GENERAL INVESTIGATIONS'', not less than $1,500,000 may be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640).

SA 1693. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, between lines 2 and 3, insert the following:

SEC. 3___. NEW SOURCE REVIEW DOCUMENTS.

Not later than the later of November 1, 2003, or the date that is 30 days after the date of enactment of this Act, in accordance with a commitment to the Committee on Environment and Public Works of the Senate expressed in a letter from the Department of Energy dated September 25, 2002, the Secretary of Energy shall submit to that Committee a log of documents that are responsive to the requests of the Committee relating to the rules on the new source review program of the Environmental Protection Agency.

SA 1694. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, at the end of line 20 insert:

Provided, That of the funds made available for the Office of Electricity and Energy Assurance, the Office shall provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office shall require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further,* That of the funds made available for the Office of Electricity and Energy Assurance, the Office shall develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

SA 1695. Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted an

amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 9, strike ''That'' and all that follows through line 12 and insert the following: ''That the Secretary of the Army, acting through the Chief of Engineers, shall use not more than $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and not more than $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further,* That the Secretary of the Army,

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SA 1696. Mr. DOMENICI (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking ''$25,000,000 for the period beginning with fiscal year 2000'' and inserting ''$100,000,000''.

SA 1697. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 54, line 19, before the period at the end, insert the following: '': *Provided further,* That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable''.

SA 1698. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds made available under Operation and Maintenance, General, an additional $500,000 may be made available to the Recreation Management Support Program to work with the International Mountain Bicycling Association to design, build, and maintain trails at Corps of Engineers projects.

SA 1699. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1___. PARK RIVER, GRAFTON, NORTH DAKOTA.

Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking ''$18,265,000'' and inserting ''$21,075,000''; and

(2) by striking ''$9,835,000'' and inserting ''$7,025,000''.

SA 1700. Mr. DOMENICI (for Mr. THOMAS) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 54, line 19, before the period, insert the following: '': *Provided further,* That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit''.

SA 1701. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further,* That within funds provided herein, $100,000 may be used for initiation of feasibility studies to address erosion along Bayou Teche, LA within the Chitimacha Reservation.

SA 1702. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 28, strike lines 13 through 25 and insert the following:

SEC. 115. Section 595 of the Water Resources Development Act of 1999 (113 Stat.383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through ''means—'' and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) RURAL NEVADA.—The term 'rural Nevada' means''; and

(C) by adding at the end the following:

''(2) RURAL UTAH.—The term 'rural Utah' means—

''(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

''(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.'';

(3) in subsections (b) and (c), by striking ''Nevada, Montana, and Idaho'' and inserting ''Idaho, Montana, rural Nevada, New Mexico, and rural Utah''; and

(4) in subsection (h), by striking ''2001—'' and all that follows and inserting ''2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.''.

SA 1703. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds made available under Construction, General, $1,500,000 may be made available for work to be carried out under Section 560 of the Water Resources Development Act of 1999 (Public Law 106–53).

SA 1704. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 44, line 14, before the period at the end, insert '', of which $3,000,000 may be available for a defense and security research center''.

SA 1705. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 10, strike the period at the end and insert '': *Provided further,* That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.''.

On page 47, line 12, strike the period at the end and insert '': *Provided further,* That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.''.

SA 1706. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 41, line 5, strike ''655'' and insert in lieu thereof ''566''.

SA 1707. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 28, line 1 strike ''105–227'' and insert in lieu thereof ''105–277''.

SA 1708. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 48, line 8, after the word ''expended:'' insert the following:

''*Provided*, That the Secretary of Energy may use $1,000,000 of available funds to preserve historical sites associated with, and other aspects of the history of, the Manhattan Project''

SA 1709. Mr. REID (for Mr. BYRD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, line 20, before the period at the end, insert '', of which $400,000 may be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative''.

SA 1710. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading ''ATOMIC ENERGY DEFENSE ACTIVITIES'' may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SA 1711. Mr. DOMENICI (for Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 21, before the period at the end, insert the following: '': *Provided further*, That the Secretary of the Army may use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program''.

SA 1712. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place on page 42, after section 211 insert the following:

''SEC. ___. RESTORATION OF FISH AND WILDLIFE HABITAT AND PROVISION OF BOTTLED WATER FOR FALLON SCHOOLCHILDREN.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 101–171, the Secretary of Interior, acting through the Commissioner of Reclamation, shall—

(1) notwithstanding sec. 2507(b) of P.L. 101–171, provide $2.5 million to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture.

(2) provide $100,000 to Families in Search of Truth, Fallon, NV for the purchase of bottled water for schoolchildren in Fallon-area schools.

(b) LIMITATION.—The funds specified to be provided in (a)(1) shall only be provided by the Bureau of Reclamation when the title to Carson lake and Pasture is conveyed to the State of Nevada; the waiver of sec. 2507(b) of P.L. 101–171 shall only apply to water purchases for Carson Lake and Pasture.

(c) ADMINISTRATION.—The Secretary of Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organization, and individuals to carry out this section and sec. 2507 of P.L. 101–171.

SA 1713. Mr. DOMENICI (for Mr. SPECTER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA.

The Secretary of the Army may provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3785), as contained in the May 2000 report of the Philadelphia District based on regional economic development benefits, at a Federal share of 50 percent and a non-Federal share of 50 percent.

SA 1714. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3___. MARTIN'S COVE LEASE.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term ''Bureau of Land Management'', hereafter referred to as the ''BLM'', means an agency of the Department of the Interior.

(2) CORPORATION.—The term ''Corporation'' means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term ''Martin's Cove'' means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC–001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary may enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC–001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environmental and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridgement, modification, termination, or other taking in the event any surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Gate.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the leasehold, provided that the leased lands shall be withdrawn from all forms of entry, appropriations, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

SA 1715. Mr. DOMENICI (for Mr. WARNER (for himself, Mr. SARBANES, Mr. ALLEN, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Provided, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. During preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement. Notwithstanding the cost sharing provisions of Section 510(d) of the Water Resources Development Act of 1996, 110 Stat. 3760, the preparation of the environmental impact statement shall be cost shared 50% Federal and 50% non-Federal, for an estimated cost of $2,000,000. The non-Federal sponsors' may meet their 50% matching cost share through in-kind services, provided that the Secretary determines that work performed by the non-Federal sponsor's is reasonable, allowable, allocable, and integral to the development of the environmental impact statement.

SA 1716. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 26, strike ''$1,949,000,000'' and insert in lieu thereof ''2,014,000,000''.

SA 1717. Mr. REID (for Mr. REED) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, at the end of line 20 insert:

Provided, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office may require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

SA 1718. Mr. REID (for Mr. CORZINE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 10, line 9, strike ''That'' and all that follows through line 12 and insert the following: ''That the Secretary of the Army, acting through the Chief of Engineers, may use $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further*, That the Secretary of the Army,

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SA 1719. Mr. DOMENICI (for Mr. GRASSLEY (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) MEMORANDUM OF AGREEMENT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the ''MOA'') under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) REQUIREMENT.—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

(c) PROCUREMENT OF SERVICES.—The Secretary of Labor may procure temporary services in carrying out the duties of the Secretary under the MOA.

(d) DUTIES OF SECRETARY OF ENERGY.—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

(2) subject to the availability of appropriations, transfer funds pursuant to requests by the Secretary of Labor.

(e) SUBMISSION TO CONGRESS.—The MOA entered into under subsection (a) shall be submitted to the appropriate committees of Congress and made available to the general public in both printed and electronic forms.

SA 1720. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 16, after ''2004'' insert the following: '': *Provided further*, That none of the funds appropriated under this heading may be used for the Great Lakes Sediment Transport Models''.

SA 1721. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3___. REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696.

(a) DEFINITIONS.—

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) TOWN.—The term ''town'' means the town of Stuyvesant, New York, the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

SA 1722. Mr. SANTORUM (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 51, line 13, insert before the period: ": *Provided*, That from the funds made available under this heading for transfer to the National Institute for Occupational Safety and Health for epidemiological research, $7.5 million shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia;

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 17, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on September 18, at 2:30 p.m. has been rescheduled.

The hearing will now be held on Tuesday, September 23, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the Western United States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; and H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes. (Contact: Shelly Randel 202–224–7933, Erik Webb 202–224–4756 or Meghan Beal at 202–224–7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 24, 2003 to conduct a hearing on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2003, at 10 a.m. to conduct a hearing on the nominations of Mr. Harvey S. Rosen, of New Jersey, and Ms. Kristen J. Forbes, of Massachusetts, to be a member of the Council of Economic Advisors, Executive Office of the President; Ms. Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement; and Mr. Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 16, 2003, at 9:30 a.m. for a hearing titled "Oversight of GAO: What Lies Ahead for Congress' Watchdog?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 16, 2003, at approximately 11 a.m. for a hearing to consider the nomination of C. Suzanne Mencer to be Director, Office of Domestic Preparedness, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 16, 2003, at 9:30 a.m., in the Russell Senate Office Building Room 325 on "Ensuring the Continuity of the United States Government: The Presidency."

Witness List: Prof. Akhil Amar, Soutmayd Professor of Law and Political Science, Yale Law School, New Haven, CT; Dr. John C. Fortier, Executive Director, Continuity of Government Commission, Research Associate, American Enterprise Institute, Washington, DC; Mr. M. Miller Baker, Esq., McDermott, Will & Emery, Washington, DC; and Prof. Howard M. Wasserman, Assistant Professor of Law, Florida International University College of Law, Miami, FL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, september 16, 2003, at 2:30 p.m., in the Dirksen Senate Office Building Room 226 on "Examining the Importance of the H–1 Visa to the American Economy."

Stephen Yale-Loehr, Business Committee Chair, American Immigration Lawyers Association, Adjunct professor, Cornell University Law School; Elizabeth Dickson, Advisor, Immigration Services, Ingersoll-Rand Corporation; John Steadman, President-Elect, IEEE–USA; and Patrick Duffy, Human Resources Attorney, Intel Corporation.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration and the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 16, 2003, at 9:30 a.m., to conduct a joint hearing on Ensuring the Continuity of the United States Government: The Presidency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 16, 2003, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of The American Legion.

The hearing will take place in room 216 of the Hart Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and

Water be authorized to meet on Tuesday, September 16, at 9:30 a.m., to conduct on oversight hearing on the implementation of the Clean Water Act.

The hearing will take place in SD 406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2003, at 2:30 p.m., to conduct a hearing on Financial Reconstruction in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that privilege of the floor be granted to Andrew Ayers, a legal intern with my Judiciary Committee staff, during consideration of the debate on S. Res. 17.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Dr. Jonathan Epstein and Mr. Eric Burman, legislative fellows in his office, be given floor privileges during the pendency of H.R. 2754, and any votes thereupon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 226, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) to authorize representation by the Senate Legal Counsel in the case of Josue Orta Rivera v. Congress of the United States of America, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 226) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 226

Whereas, in the case of Josue Orta Rivera v. Congress of the United States of America, et al., Civil No. 03–1684 (SEC), pending in the United States District Court for the District of Puerto Rico, the plaintiff has named as defendants all Members of the Senate, as well as the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and Officers of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all Members of the Senate, the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress, in the case of Josue Orta Rivera v. Congress of the United States of America, et al.

DEATH OF INDIANA GOVERNOR FRANK O'BANNON

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 227, a resolution submitted early today by Senator BAYH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 227) expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 227

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the United States Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Frank O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Frank O'Bannon will be remembered as a loving husband to his wife Judy, a devoted father to his 3 children, and a caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003;

(2) extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(3) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the United States Air Force and the Indiana State Legislature, and as Governor of Indiana; and

(4) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

MEASURE READ THE FIRST TIME—S. 1618

Mr. BROWNBACK. Mr. President, I understand that S. 1618, introduced early today by Senator ROCKEFELLER and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. BROWNBACK. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk and have its next reading on the next legislative day.

Mr. ROCKEFELLER. Mr. President, this legislation reauthorizes the Federal Aviation Administration, FAA, and its core programs, including the Airport Improvement Program, AIP, through March 31, 2004. While I would like to have seen Congress pass a comprehensive multiyear bill, it is not going to be possible by the end of this fiscal year. We need to pass this noncontroversial short-term extension to allow the FAA to continue to operate its core safety and airport funding programs.

The Senate produced a very good FAA reauthorization bill, and I was proud to help in developing that legislation. Unfortunately, the final product after negotiations with the House of Representatives was not as good as the Senate-passed bill. It included several dangerous provisions that I could not support, and, in fact, many of my colleagues on both sides of the aisle have raised objections to this legislation.

The most significant reason that the multiyear FAA bill is stalled is because the conference report includes language that allows as large part of the Nation's air traffic control system to be contracted out to private operators. If adopted, the conference report would allow the FAA to initiate the process of contracting out of some air traffic control functions immediately while only delaying the potential privatization for the 4-year life of the bill. The

Senate during its consideration of the FAA bill voted 56 to 41 to keep all air traffic control functions as a governmental responsibility out of a deep sense that the safety of our skies is a basic governmental function. A bipartisan majority of Senators expressed serious concerns over the executive branch's future plans for the management of the air traffic control system, and we voted to impose restrictions on the Administration's proposal precisely to avoid the very outcome of the conference report.

Instead of negotiating in good faith over how best to guarantee the safety of our Nation's air traffic control system, the majority acceded to the administration's demands that they be given absolute discretion over the future of aviation safety. My short-term reauthorization bill includes language that enhances the safety of our Nation's air traffic control while giving the executive branch an appropriate level of flexibility to manage the system. The United States operates the most complex aviation system in the world, and we must have in place a dynamic and responsive safety system. I, along with my colleagues, want to continue to work with the administration on making our aviation system the safest, most secure, and advanced in the world.

This legislation reauthorizes funding for FAA programs and operations. Importantly, the bill reauthorizes the AIP program, which will allow the Federal Government to maintain its investment in airport infrastructure. Small airports are especially dependent on AIP funding to fund capital improvement projects. In addition, the bill includes provisions that reduce small airports share of AIP projects to 5 percent. The bill also allows small airports to maintain their eligibility for AIP entitlement funds if decreased traffic due to September 11 resulted in these airports falling below FAA-required passenger benchmarks.

Congress should not hold up these critical funds over disagreements on unrelated issues. Broad consensus exists on the need for increased aviation funding. This bill will provide approximately $1.7 billion in AIP funds, which on an annualized basis would boost AIP funding by $100 million over last year's level.

To make sure small communities continue to be linked to the Nation's aviation network, the bill also reauthorizes the Essential Air Service Program, EAS, and Small Community Air Service Development Program. The EAS program is a lifeline to our smallest and most isolated communities. The Small Community Air Service Development Program has helped dozens of communities across the country expands their air service options.

Finally, the bill authorizes new security initiatives. Although we have made dramatic improvements in aviation security over the last 20 months, improving aviation security is a continuous process. This bill is another step in this process. The bill addresses the development and implementation of the Computer Assisted Passenger Profiling Program, CAPPS, II, which many Senators are deeply concerned infringes on civil liberties. My legislation imposes a variety of safeguards to protect citizens' privacy as CAPPS II is deployed.

This bill does not have everything I worked hard to include in the Senate's multiyear FAA reauthorization. As I stated, the Senate-passed bill was the result of hard work, compromise, and a commitment to improving the Nation's aviation system. I believe with a little more time, we can find a compromise on the issues holding up the multiyear bill, but in the meantime, the Senate should adopt this short-term reauthorization to preserve the integrity of the aviation system.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 2003

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:30 a.m., Wednesday, September 17. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the House message to accompany S. 3, the partial-birth abortion ban, with the time until 10:30 a.m. equally divided between Senator SANTORUM and Senator BOXER or their designees, provided that when the Senate resumes consideration of the House message to S. 3 tomorrow, there be 4 hours of debate remaining under the guidelines of the previous agreement.

I further ask unanimous consent that at 10:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 2691, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, tomorrow the Senate will resume debate on the House message to accompany S. 3, the partial-birth abortion ban, until 10:30 a.m. At 10:30 a.m., the Senate will begin consideration of H.R. 2691, the Interior appropriations bill. It is the majority leader's intention to have amendments offered and debated throughout the day tomorrow. Rollcall votes, therefore, will occur throughout the day as well. Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Wednesday, September 17, 2003, at 8:30 a.m.

EXTENSIONS OF REMARKS

HONORING ARMY SPECIALIST RAFAEL NAVEA

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. DEUTSCH. Mr. Speaker, it is with great honor that I rise today to honor the life and military service of Army Specialist Rafael Navea, a soldier who was killed August 27th in Al-Fallujah, Iraq, about 40 miles west of Baghdad during his dedicated service to our nation.

Born in Michigan, Navea was raised in Caracas, Venezuela, where he attended Catholic School and later enrolled in a military school. It was a lifelong dream of his to be in the military and follow the footsteps of his Uncle Fernando, a military officer in Colombia. Navea's family later moved to Miami and later Pittsburgh, where Rafael joined the military in 1993.

Upon serving for four years in the Army, Navea transferred to reserve status in an effort to pursue an education at a technical school, specializing in the study of computers. While attending school and working at the University of Pittsburgh Medical Center (UPMC), he met his wife, Marina, a transplant nurse there at the hospital. Later, Marina and Rafael started a family, and the couple had three boys—now ages 11, 5, and 3.

A loving father and a dedicated soldier to his country, Rafael viewed his role in liberating the Iraqi people with a great sense of urgency and duty. He often spoke of the poverty he witnessed in Iraq, similar to the conditions he encountered as a young boy in South America. From this experience, Navea wanted to help the people of Iraq achieve a better quality of life. Additionally, Navea spoke to his mother about the dangers of terrorism and how something needed to be done to prevent its spread across the globe and make the world a safer and better place for his children.

Mr. Speaker, it is, indeed, truly a sad moment to stand here today and honor the life of this fallen soldier. However, I am comforted by the fact that Specialist Navea has left a lasting legacy as an exemplary father, a loving son, and a true American hero. Rafael Navea is survived by his mother Maria Lucia Kilpatrick of Weston, Florida, and his wife Marina and three children of Fort Still, Oklahoma.

HONORING THE 100TH ANNIVERSARY OF THE CALVIN UNITED CHURCH OF CHRIST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, after a decade of trying, Calvin United Church of Christ was officially organized. Thus, 2003 marks the 100th anniversary of the congregation, and I am pleased to recognize this milestone in Toledo's Hungarian community's history.

As Toledo's Hungarian neighborhood grew toward the end of the nineteenth century, Reverend Eiek Csutoros of the Cleveland Reformed Church held the first church service for Toledo's Hungarian Protestants in 1893. In 1898, 45 Hungarian Protestants came together to discuss the formation of an Hungarian Reformed Church. Reverend Csutoros, serving as an advisor, recommended they join Reformed Church in the USA. In 1901, the Toledo Hungarian Reformed Church was officially recognized as a member of the Tiffin East Ohio Classis. The church's first leaders were John Nagy, John Jakesy, Julius Simon, Gabriel Bertok, Stephen Molnar, and John Takacs. The church, still at its original site, was purchased for $1,225.00. After a rocky two years and with the installation of pastor Stephen Harsanyi, the present church was constructed and a congregation of 284 founding members was established. Many of the first names are still recognizable in the congregation today, generations later.

The following decades brought growth to the church, with the organization of a Sunday School, Ladies' Aid, Boys Athletic Club, Cherub Choir, and Youth Organization, building expansions including a parsonage, educational building, and hall, and increasing service to the neighborhood. Services were preached in both English and Hungarian, as the congregants' ties to Hungary remained strong even while they established themselves in the United States.

The recorded history of the church notes its difficult beginnings, describing the ten year journey to bring the dream of a dedicated band of believers to fruition, explaining, ''The beginnings were not easy, there were many obstacles in the way. The history of our church reads like a novel; filled with pathos, drama, laughter, on the brink of defeat, then triumphant.'' Those early pioneers never wavered from their goal of worshiping in communion with each other, and they were guided by the words of Luke 1:37 that ''With God, all things are possible.'' Calvin United Church of Christ stands as a monument to the perseverance and faith of its founders and all who have come after them. It tells of the struggle and success of people who achieved though starting with humble means. As our community celebrates the centennial year of Calvin United Church of Christ, we watch the century's story pass in review, but turn to the future with hope and a renewed sense of dedication. Onward!

RECOGNIZING KIMBERLY SUE ATHIE—FIRST PRIZE RECIPIENT IN THE 2003 NATHAN BURKAN MEMORIAL COMPETITION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kimberly Sue Athie, a very special young woman who has exemplified the finest qualities of citizenship and leadership. She has been honored with the award of distinction as the first prize winner in the 2003 Nathan Burkan Memorial Competition for her paper ''Open Source Software Licenses: Tomorrow's Future? Are They Going to be Enforceable in Court?''

The competition is conducted to enhance interest in the impartial study and analysis of copyright and related laws and is sponsored by the American Society of Composers, Authors, and Publishers.

Kimberly graduated from the University of Missouri-Kansas City School of Law in May 2003, and received her undergraduate degree from Truman State University. While attending law school, Kimberly established herself as a well-rounded student by serving as a Westlaw Student Representative, Editorial Associate for Urban Lawyer, Academic Enrichment Teaching Assistant, was a member of Phi Alpha Delta, and by making the Dean's List.

Mr. Speaker, I proudly ask you to join me in commending Kimberly Sue Athie for her many achievements and in wishing her the best of luck in her future.

ON THE OCCASION OF PRIME MINISTER SABA AL-AHMED AL-SABAH'S VISIT TO THE UNITED STATES

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ISSA. Mr. Speaker, I rise today on the occasion of the visit of Prime Minister Sheikh Sabah al-Ahmed al-Sabah of Kuwait to express my gratitude and sincere appreciation to him and his government for their steadfast support for the United States-led coalition in Operation Iraqi Freedom.

Since its independence in 1961, Kuwait has maintained close relations with the United States. Like the people of Iraq, Kuwait is in a unique position to understand the brutality of Saddam Hussein's regime. It was invaded by Iraq in August of 1990, and the Kuwaiti people experienced firsthand Saddam's brutality throughout the seven months of occupation until February of 1991, when coalition forces liberated Kuwait.

Since the terrorist attacks of September 11, 2001, Kuwait has been an active partner with

the United States in the global war on terrorism. During Operation Iraqi Freedom, Kuwait provided vital assistance to the United States and its coalition partners, including access to airports, port facilities and bases.

During Operation Iraqi Freedom, Kuwait was subject to attack by twenty ballistic Iraqi missiles. Despite these attacks, Kuwait was unwavering in its support of the United States, providing us with protection and basing support for our troops. In addition, since the end of the major hostilities with the Saddam Hussein regime, Kuwait has stepped forward to provide substantial humanitarian assistance to Iraq in support of coalition goals.

I am pleased that Prime Minister Al-Sabah has this opportunity to visit. I thank him for his work in building the friendship between our two countries.

IN RECOGNITION OF PORT CLINTON, OHIO'S 175TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, on September 20, 2003, Port Clinton, Ohio will mark its 175th anniversary. The town along the shores of Lake Erie will celebrate this milestone with a daylong party featuring historic re-enactors, old-fashioned food and contests, a parade and fireworks. The city will pay tribute to its fishing and boating heritage focusing on a display of vintage Lake Erie boats, fried fish dinners, and a giant walleye shaped birthday cake.

In our nation's infancy, New York statesman and the father of the Erie Canal DeWitt Clinton suggested a canal from the Portage River in Northwest Ohio down to the Ohio River in Cincinnati. Although the canal was not built, four years later in June of 1828, Ezekiel Haines founded Port Clinton at the proposed canal's beginning. He named the town he founded in honor of DeWitt Clinton in tribute to Mr. Clinton's vision. The town lay on the Eastern edge of Northwest Ohio's Great Black Swamp and was home to many tribes of Native Americans who hunted and fished its marshes and waterways. Fishing was the mainstay of the town's first settlers, and remains so today.

The city has many marinas, and boats were built in Port Clinton until 1974. Although they are no longer built in the community, Port Clinton's marinas are home for many commercial and recreational boats and the docks of the Port Clinton Fish Company are still in service. Even though it has developed through the decades into a commercial center and home to business, industry, and tourism, Port Clinton has never lost its flavor as a small lake town. Superbly situated between Lake Erie and beautiful natural refuges, Port Clinton remains an idyllic waterfront community. I join with its residents in proudly sharing its 175th birthday.

HONORING STATE REPRESENTATIVE VINCENT PEDONE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Vincent Pedone, State Representative of the 15th Worcester District of Massachusetts, who is being honored as the ''Grand Marshal'' by the Worcester Columbus Day Parade Committee for 2003.

State Representative Pedone is currently serving his sixth term as a State Representative from Worcester. He serves on the House Ways and Means Committee and is Vice Chairman of the Science and Technology Committee. State Representative Pedone works hard for his constituents; whether securing funding for various economic development projects or delivering services to the most vulnerable citizens in his district. Upon his election in 1993, State Representative Pedone made the following commitment to the people of the 15th Worcester District, ''I will work as hard as I can to represent you in a professional, ethical, and honorable way''.

State Representative Pedone grew up in the neighborhood he now serves, the grandson of Italian and Irish immigrants. Just recently he and his wife Toby became parents for the first time. Together, they renovated the house that his grandfather built on East Park Terrace, and they plan to raise their family in the community they love so much.

Mr. Speaker, I am sure that the entire U.S. House of Representatives joins me in congratulating State Representative Vincent Pedone for this high honor.

RECOGNIZING JESSE D. McCALL, JR. FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jesse D. McCall, Jr., a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 692, and in earning the most prestigious award of Eagle Scout.

Jesse has been very active with scouting, participating in many troop activities since starting in Boy Scouts in second grade. Jesse has earned 34 merit badges, and served as a scribe, patrol leader, assistant senior patrol leader, tribesman, and a brave in the tribe of mic-o-say. He has also been involved in other activities, including student senate, youth group, sports, and band.

For his Eagle Scout project, Jesse painted 331 yellow striped lines and 8 handicap spaces for St. John La Lande Church parking lot.

Mr. Speaker, I proudly ask you to join me in commending Jesse D. McCall, Jr. for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING NORM MOLL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, for 36 years, agriculture in Lucas County, Ohio, has had a friend in Norm Moll. As 2003's harvest approaches, it seems a fitting time to look back on Norm's service with the county office of the Cooperative Extension Service, from which he has now retired.

Norm Moll's life has been spent in agriculture, from his boyhood on a livestock farm in Fulton County. He holds graduate and undergraduate degrees in horticulture, and has studied biometrics and the marketing of produce. He served as the chief of the Lucas County Extension office since 1980. Under his extremely capable tenure, the office developed the Agricultural Business Enhancement Center, Master Gardener initiative, gypsy moth suppression to save the region's oak savannah, urban horticulture opportunities, and development projects with 4–H, community garden clubs, greenhouses, and the agricultural community. His expertise was sought by people far afield, and methodical planning was his hallmark. His contributions to agricultural research and development leading to valued-added agriculture include: rebirth of the Toledo Farmers Market; innovations for new crops, tomatoes, vegetables and livestock; and initiation of the ''glasshouse.com'' website as a new marketing site of our region's greenhouse industry.

Now in retirement, Norm Moll will have the time to devote to his own horticultural pursuits. His Toledo, Ohio yard will bear the fruits of his labor as our community learns to move forward without his effective quiet countenance. We wish for him a retirement full of all those things he most enjoys and with those for whom he cares. We extend a deep and sincere thank you to Norm for his life of service to our country and community.

NATIONAL SMALL BUSINESS WEEK

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ISSA. Mr. Speaker, I rise today for the purpose of recognizing all small businesses as part of National Small Business Week. This week we honor the small business owners across the nation who work to make our country strong.

Small businesses represent the backbone of the American economy and are the key to economic stimulus. Small business accounts for 99.7 percent of the nation's employers, employing 52 percent of the private work force, contributing 47 percent of all sales in the country and 50 percent of the private gross domestic product.

This year, Congress has passed legislation that provides new tax incentives to make it easier for small businesses to make job-creating investments and given small business owners more power to provide health care for their employees. It is important that Congress continue to champion legislation designed to encourage this shared prosperity.

Again, it is my pleasure to recognize the men and women who run and own small businesses. Let's continue to support hardworking American workers and entrepreneurs by encouraging small businesses growth.

HONORING THE SHREWSBURY PUBLIC LIBRARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts in celebrating the 100th birthday of the original building of the Shrewsbury Public Library.

Dedicated in September 1903, through the generosity of a trust fund established by Jubal Howe, the library has served the town well from its central location on the town common. The Artemas Ward annex was added in 1922 in memory of the Revolutionary War hero, and in 1978 a town meeting voted a major addition and renovation project. For those who could not travel to the library, Anthony and Olive Borgatti donated a bookmobile in 1959 that for many years traveled to neighborhoods with an assortment of reading materials for loan. Today, the Town of Shrewsbury is again looking at ways to expand the size of the library to keep up with a growing population.

The Shrewsbury Public Library is one of the finest in the area and includes 135,000 books, 354 art prints, over 3,500 videocassettes, and subscriptions to 14 newspapers and over 160 magazines. It has the second highest library circulation in Worcester County. The library has children's story hours, conversation circles, book discussion groups, and family activities. With 100 years history in this library building, many wonderful stories have been told and enjoyed. Many lessons have been learned and many adventures have occurred by the simple turning of a page.

Mr. Speaker, I am sure that the entire U.S. House of Representatives joins me in congratulating the Shrewsbury Public Library on 100 years of dedicated service to the people of Shrewsbury. It is an honor for me to be part of this special celebration.

HONORING THE SESQUICENTENNIAL OF THE FIRST BAPTIST CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, we in Toledo are proud to recognize the sesquicentennial of one of our oldest congregations, First Baptist Church. Now in suburban Greater Toledo, First Baptist Church was an anchor in central Toledo for more than a century. It is still known as ''the friendly church with the caring spirit'' and this motto characterizes its congregation. Its membership sees the church as a home and each other as a family of believers. They care for each other, our community, and our world.

During the early days of Toledo, Ohio, a hardy band of believers with a missionary zeal joined together in fellowship and formed the First Baptist Church. Right from the start, though their mission was to carry the Gospel forth into the world, the church's members have lived God's Word by example and have strived to serve our community. As Toledo grew and changed, so too did First Baptist Church. Today, its congregation can look back on a journey weathering hard times and good, tests and successes, drama and triumph. The journey continues, and First Baptist's members look forward to the future even as they celebrate their history.

In John 8:12, we are reminded of Christ's promise that ''I am the light of the world: he that follows me shall not walk in darkness, but shall have the light of life.'' For 150 years, the faithful of First Baptist Church in Toledo have tried to followed our Lord's Word and live a Christ-centered life. The fruits of their labor may be seen in the continuity of their church, and its viability in our community over generations. I join with the congregation of First Baptist Church and our entire community in congratulating the church on reaching its milestone 150th anniversary. May these first 150 years be the inspiration for the next. Onward!

A SPEECH BY ADMIRAL JAMES O. ELLIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SKELTON. Mr. Speaker, on August 15, at the annual Military Order of World Wars and International Officers Ball, Admiral James O. Ellis, Jr., Commander of the United States Strategic Command, provided us with words that should be shared with all. I extend his remarks for fellow Members of Congress. I know that we can benefit from his words as we face international challenges.

Congressman Skelton, a true friend and colleague in shared service to our nation over nearly three decades, Major General Shirkey, Brigadier General Hirai and fellow officers, active, retired, American and allied, Jim and Pat Snyder, who created this marvelous venue, veterans and members of the Military Order of the World Wars, other distinguished guests, ladies and gentlemen. It's truly a pleasure to be with you this evening. I cannot begin to tell you how much I have been looking forward to tonight, with its camaraderie and conversation and its symbolism and spirit. I suppose I am the senior Naval Officer for a thousand miles in any direction, and if my being honored with this opportunity tells you nothing else, it tells you how far we really have come in joint and combined operations.

Congressman Skelton, thank you for your far too generous introduction. Your kind words actually remind this wonderful audience of two basic facts about me. The first is that I am old and the second is that I can't hold a job!

In all seriousness, I cannot tell you how delighted I am to have a small part in this great evening. This room is filled with a military presence that, literally, spans a wealth of experience and a world of potential.

The real guests of honor this evening are, of course, the military members from the seventy-two countries, resplendent in the cloth of their nations, who join their American colleagues in a year of personal promise and professional opportunity.

But it is also a particular honor to be in the company of veterans from what is now referred to as America's greatest generation but who would only protest they were merely doing their duty.

It is also appropriate that we remember the thousands of military professionals who have passed through the doors of Bell Hall en route to prominence in the spotlight of history or, more often, to the unlit corners of the globe and the ironically brighter glow of heroism in all its forms known only to the colleagues with whom they served. In a very real sense, they, and all of you, have brought us to this place and time in history.

It is also appropriate to recognize our hosts this evening. The Military Order of World Wars has always been active in work to support men and women in uniform. Through a long and storied history of over eighty years, the Order has stood tall. Among many other achievements, the Order successfully revived the dormant Purple Heart award for service members injured in combat and successfully lobbied Congress for creation of the nation's annual Armed Forces Day observance.

I'd like to particularly thank the Greater Kansas City Chapter of this fine organization for making tonight's event an annual tradition over the past 14 years. Jim and Pat Snyder have worked very hard to make this night a success, and I particularly want to thank them.

They are in good company, as part Kansas City chapter alumni include former Presidents and Army veterans Harry Truman and Dwight Eisenhower.

The world has changed a great deal since these two gathered in this group. Foes have become friends, prosperity and democracy have spread underneath an international security umbrella and alliances and coalitions that no one would have dreamed of a decade and a half ago have become reality. There is cause for optimism, even in the face of today's stark realities. As Secretary Colin Powell's fourth law says: ''It CAN be done!''

Last March, Japan's Prime Minister Koizumi said ''I am convinced that the time will come when many countries keenly realize the necessity of international collaboration for world peace, stability and prosperity.'' I would add only that the time is now and the obligations are ours, together.

A few years ago, I was privileged to command NATO's Allied Forces in Southern Europe during a significant period of Balkan conflict. Then, as now, I saw the value of strong alliances of like-minded nations that could, in time of crisis, find a way to both debate and act to resolve issues of international security and humanitarian crisis. It is possible to accommodate legitimate national concerns and still deal swiftly, as we must, with dictators and despots. The old saying is that ''much is asked of those to whom much is given.'' We, all of us in this room, have been given much. Now is our time to show an understanding of the obligations that come with all those wonderful opportunities.

Every nation—large and small—must contribute to the common good, as the Bible says, ''each according to his means.''

Consider the words of Estonian foreign minister, Thomas Hendrik. Speaking about NATO in October 2001, he said, ''The organization as a whole can only benefit from the fact that the alliance includes members whose national security is greatly dependent on the existence of a strong, prestigious, and vital defensive union. The members and the candidate states who make up this alliance, including Estonia, are not just consumers of security, but also very important producers of security''.

In other words, we're all in this together. The basics remain the same.

The challenges we collectively face are not all military or political. There are opportunities to share in a host of common interests in trade, technology assistance, culture, education and athletic exchange. But none of

these will be possible without collective security. Ronald Reagan once said, ''There are simple answers, there are just no easy answers.'' And the security challenges have never been more difficult as a thousand snakes have replaced a single dragon.

One of the security opportunities that works best is what we are seeing here tonight—the faces of military men and women from many nations, brought together in common interest to learn, share and grow, both personally and professionally. The goal is to share strengths and different perspectives; to appreciate and enjoy different backgrounds and cultures, not to eliminate them. A bit of humor will often help.

Some years ago I was posted in Bahrain as Captain of the U.S. Navy regional flagship. One day a Royal Navy frigate Captain paid a call and asked if I had heard the new joke making the rounds of the UK Admiralty. A straight man to the end, I replied, ''No.'' He said it was about the two American Naval officers whose ship was sunk, leaving them stranded on a small desert island—a mound of sand, a palm tree and just the clothes on their backs. Within two days, he said, they were working nights. . . . You can make a lot of telling points with humor!

Young men and women of 72 nations are participating in the Army Command Staff College at Fort Leavenworth, Kansas, this year. I have been privileged to grow old in the service of my country, service that has allowed me to personally visit 37 of the 72 nations represented here tonight and to serve with half again as many of your professional military forces. Even tonight, I cannot gaze on your uniform splendor without beginning a flashback recall of 34 years that included the skies over Vietnam, a decade in the Arabian Gulf, from Japan to the Taiwan Straits and from Italy into Macedonia, Albania and even a parachute jump into Kosovo. We shared dangers, opportunities, challenges, commitment and the occasional toast. I learned and laughed with friends from many nations, some of whom I can never forget and others whom I only dimly remember. But I treasure each experience as well as the friendship that remain to this day. And I envy each of you, because your excitement is here and now.

The American writer Ralph Waldo Emerson once said, ''The only way to have a friend is to be one.'' The flags decorating this hotel ballroom represent the nations who are now friends and partners with the United States. We truly value your views and experience in this newly globalized world. Whether you come from India or Indiana, from Kazakhstan or Kansas, your participation enriches all of us.

Earlier, I mentioned the presence in this room of vast military tradition and experience. Another presence in this room is a spirit of teamwork.

I see it reflected in the faces of men and women from other nations who stand with us today. Together, we are the best hope for a civilized world as we face an ever-changing field of security challenges.

Teamwork is the mortar for the operational bricks of our military superstructure. There is an old proverb from the Czech Republic—''Do not protect yourself by a fence, but rather by your friends.'' The nations of our alliances must stand together against those who would threaten the peace and security of our world. We must not hide in the shadows behind ever-taller barriers but rather stride confidently into the sunlight, unafraid in the company of our friends. This is our time to make a stand. This is our time to make a difference.

One of the most encouraging developments I've seen over my 30–plus years of service is the growing strength of the alliances and coalition partnerships I've mentioned.

Immediately after the September 11th terrorist attacks in New York City and Washington, DC there were many world leaders and ordinary citizens from many nations who expressed their anger at the craven acts, and support for the United States in confronting what we now know is a global scourge. One of them was British Prime Minister Tony Blair who said, ''This is not a battle between the United States of America and terrorism, but between the free and democratic world and terrorism.''

Blair said his soldiers would stand shoulder to shoulder with Americans and would not rest until evil is driven from our world. He and many others have remained true to that commitment.

Just a few weeks ago, Congressman Skelton was speaking at the Truman Library as it opened a new exhibit on the Korean War. He talked about the coalition fighting the war against global terrorism and said, ''What they are doing today will set the stage for the next 50 years.''

I agree. And you all are the leaders of today and tomorrow who will get it done.

The best of friends, I believe, are those who have demonstrated a resilience and resolve born of their own challenges well and truly met. Those who, perhaps in a decade or generation or over a long and storied history have shown they, as a people, have what is necessary to weather any crisis and pass any test that confronts us.

That's why we look to those of you from other nations who are here tonight. The Greek warrior Thucydides said, ''We secure our friends not by accepting favors, but by doing them.''

It is my expectation that all of you embarking on this course of study will be challenged. It must be so if you are to learn. But think of the opportunities this year will bring and savor every moment.

It reminds me of a story about a little girl who had been eagerly looking forward to her very first day of school. That evening, when her father came in from work, he called his daughter to him and asked her what she thought of school. She looked at her father and said, very seriously, ''I think I may have started something I can't finish.'' She was right.

The serious business of learning more about others, about this world in which we live, and about our profession of arms is a process we never finish. Congressman Skelton is a strong proponent of lifelong education, both formal and informal. Indeed, I received a letter from him just last month in which he enclosed an abbreviated fifty-volume reading list he personally recommended. This is a man who practices what he preaches! He believes, as do I, in the truth of the old maxim, ''If you want a new idea, read an old book!''

When you graduate from Army Command and General Staff College, I encourage you to view your education as just the beginning or, hopefully, a continuation of what for each of you is a life-long effort to expand your horizons to include new ideas and, in so doing, deepen your understanding and appreciation of the world around you.

My background is Navy, and, as such I am arguably not the most credible spokesman in support of Professional Military Education. Perhaps as a result of our deployment mentality, the U.S. Navy has come late to understand its value. I am embarrassed to admit in front of Congressman Skelton that, despite participating in a dozen Joint Task Forces, four combined operations in crisis and conflict and now leading a major Joint Combatant Command, I am not a graduate of ANY professional military courses.

I am embarrassed, but it is true. I once noted that having me speak in favor of PME is about the same as making me the spokesman for the Hair Club For Men. But that is why the self-taught, home-schooled, on-the-job-trained warrior envies you the opportunity that this year offers.

The value of a Professional Military Education is inestimable in today's world. It accelerates your professional life, allowing you to walk in the shoes of hundreds of others, to learn from their successes and their failures and to create the incredibly valuable capability to think. It also provides a time to consider what it means to be a professional soldier, Sailor, airman, Marine or Coastguardsman. The core values of integrity, service beyond self, and excellence in all we do are not only on-duty military values, they are lifetime values.

Every one of you will gain skills as warriors, and at the same time you will enrich your lives by participating in the curriculum at Leavenworth. Those of you from other lands will enrich the American lives you touch.

And when the time comes to return home or to your respective services, I hope you will take with you a renewed confidence in your own abilities to help shape a different world. For your efforts will define, in ways large and small, our future. In the affairs of nations, no outcome is pre-destined. Your presence here is the result of clear vision, decisive choice, and unwavering commitment. The future of individual nations and our alliances will be the result not of inevitability, but of sustained collective effort.

It's effort we must continue to make every day, every week, every year, in defense of our shared freedom.

In 1999, as his nation was joining the NATO alliance, Hungarian Prime Minister Viktor Orban said, ''Finding one another is a promising beginning, staying together is a process, and working together is a success.''

So, tonight I challenge those of you from around the world to work together for our shared success.

Someone once said that a successful marriage is a sixty-sixty proposition. In that light I encourage each of you to strive to put more than what you think is your fair share into this upcoming year; that will, ironically ensure you get out far more than you put in. Encourage one another to gain a deeper understanding of your part of our world and ensure that when your time together is ended, you can leave with the regret that characterizes good friends parting and not the regret of tasks left undone or words left unsaid.

I would close by reminding you of something that you already know, but which you must never forget, in the words of a leader from another time and another crisis. You may not know it, but my Navy family harbors a dark secret. It concerns my son, who, despite the efforts of his mother and me to raise him properly and set him on the right path, is a graduate of West Point. He would be embarrassed to hear me speak of it, but, in all seriousness, he knows how proud we are of him, now in command of Bravo Company, Second Ranger Battalion. He has recently returned from Afghanistan where for six months he shared dirt, danger and duty with UK Paras, Italian Carabinieri and soldiers, new friends from a dozen other nations.

In the four years that his mother and I journeyed up the Hudson to that storied Point, I came to appreciate the words of a distinguished graduate of that school who, in a moving speech nearly four decades ago described the role of a military in a democratic society and also described a world whose concerns have not changed so much in the decades since. Perhaps the more things change, the more they stay the same.

General Douglas MacArthur said: ''And throughout all this welter of change and development, your mission remains fixed, determined, inviolable. It is to win our wars. Everything else in your professional careers is but a corollary to this vital dedication . . . You are the ones who are trained to fight.

''Let civilian voices argue the merits or demerits of our processes of government; whether our strength is being sapped by deficit financing indulged in too long; by Federal paternalism grown too mighty; by power groups grown too arrogant; by politics grown too corrupt; by morals grown too low; by taxes grown too high.

''These great national problems are not for your professional participation or military solution. Your guidepost stands out like a tenfold beacon in the night: duty, honor, country. You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great Captains who hold the nation's destiny in their hands the moment the war tocsin sound.''

He may have been Army, but I can't improve upon that! Thank you and have a good night.

HONORING HERB LEONARD ON RETIREMENT FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize the work of one of the finest public servants with whom I have had the pleasure of working in the District of Columbia. After 30 years, Herbert Leonard, Jr., a native Washingtonian, will be retiring from his position as the Government Relations Officer for the District of Columbia at the Washington Metropolitan Area Transit Authority WMATA. WMATA will be losing a valued employee and I will be losing a treasured counsel and advocate.

Since 1973, Herb has worked closely with other elected and government officials in the District of Columbia as well as civic associations, advisory neighborhood commissions and businesses. Over the years, many of these groups have recognized Herb for his efforts in their communities. Today I, too, honor his work.

I cannot count the number of times that Herb has gone above and beyond the parameters of his job in order to assist me in bringing comfort and support to my constituents. Whether facilitating transportation for a constituent with disabilities or helping disadvantaged children at my annual Christmas parties, Herb has been dedicated, respectful, and responsive to the needs of the people of the District of Columbia, particularly those in the greatest need of assistance.

With his energy and intelligence, Herb Leonard could have been a success in any line of work he desired. Indeed, Herb holds several U.S. patents and in 1965, he was chosen by then-Vice President Hubert Humphrey, as one of 85 prominent black businessmen to visit predominately black colleges in order to convince minority youth of the importance of getting a good education and to encourage them to take advantage of the increasing career opportunities in business and industry. With the world at his feet, Herb chose to make public service his vocation, and for that, we should all be grateful.

Mr. Speaker, I ask the House to join me in wishing Mr. Leonard the very best in his new endeavors.

HONORING THE HUNDREDTH ANNIVERSARY OF THE IRONWORKERS LOCAL #55

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, one hundred years ago the Ironworkers Local #55 joined together in union in Toledo, Ohio. Iam pleased to recognize this milestone anniversary and pay tribute to the union's courageous founders and all of the men and women who followed them over the course of a century.

In 1903 the idea of unionization was viewed as radical, and often dangerous for those who pursued it. Yet, men working to build our cities, the bridges, skyscrapers, schools and factories which were changing the American landscape worked under dangerous conditions themselves. They found themselves not only at the mercy of difficult working conditions, but subject to forces who did not respect them and the jobs they did. They worked long hours for low pay, no compensation for injury or sickness, and little if any thought was given to their general welfare. The Ironworkers Union itself was only seven years old when Toledo's Local #55 was chartered on February 16, 1903, 104 members strong. Toledo's ironworkers have been an integral part of the growth and development of the Ironworkers Union since the beginning.

The first recorded ironworker union jobs came that same year, with the Illinois Steel Company's construction of a cantilever bridge and two turntables for the Toledo Furnace Company. Just two years after its founding, Ironworkers Local #55 struck one of Toledo's largest and prominent contractors, A. Bentley and Sons. Though the strike was ultimately unsuccessful, the action showed clearly that the infant union was willing to battle even the largest, most anti-union companies. At the close of the century's first decade, Ironworkers Local #55 was firmly established and under the capable and visionary leadership of William R. ''Big Bill'' Walters, the union's first business agent, who went on to serve the union in various offices until 1935. Since him, many noble leaders have guided the union through both hard times and prosperity.

The union gave its members good jobs with good wages, health care and pension benefits, injury compensation, and sickness and death benefits. Just as importantly, it offered its members and their families the spirit of workers united in the common goal of bettering the lives of everyone. Out of this spirit came a sense of camaraderie, of loyalty, of protection and pride in what they were all trying to build together. I have been privileged to be welcomed into this spirit, and it is uniquely union.

A look around our region reveals the accomplishments of Ironworkers Local #55 union members. Their skill and hard work gave us signature bridges, downtown skyline, the schools which educate our children, monuments paying tribute to our efforts as community and Nation. We owe Toledo's City Hall, Ohio Building, Spitzer Building, Swayne Field, Toledo Museum of Art additions, Bell Building, Toledo Public Library, Acme Power Plant, Standard Oil, Pure Oil, Sun Oil and Gulf Oil refineries, Federal Building, Owens-Illinois Fiberglass Tower, Medical College of Ohio, Davis-Besse Power Plant, Islamic Center of Greater Toledo, Summit Center and the Valentine Theatre to Local 55 members, just to name a few of our region's significant buildings whose frameworks were formed by ironworkers. Now, as its second century dawns, Ironworkers Local #55 members are undertaking the construction of our region's largest single project to date: the new 8,800 foot long, 120 foot high Maumee River Crossing.

I join with members and friends of Ironworkers local #55 past and present in celebrating one hundred years of history. It is these ''cowboys of the sky'', along with fellow members of the building trades, who built America. We stand along side them and look to the future as together we continue to build our Nation.

CONGRATULATING ROBERT DYNES ON HIS SELECTION AS PRESIDENT OF THE UNIVERSITY OF CALIFORNIA

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Robert Dynes on his term as Chancellor from 1996 to 2003 for the University of California at San Diego (UCSD). It is an honor to recognize the accomplishments and contributions that Bob has made to this University and the state of California during his tenure.

Over the past eight years Bob has dedicated his life to the University of California at San Diego and has had numerous challenges and accomplishments to prove it. I have personally observed Bob's term as Chancellor and seen the determined focus of his administration to uphold the integrity of this fine University. One of the missions of his administration has been to keep the quality of UCSD's faculty at a premium. Bob has maintained this excellence in addition to a 14% growth in faculty. In the past seven years, UCSD faculty has produced two Nobel Prizes, a Fields Medal, three National Medals of Science, a National Humanities Medal, the Kyoto Prize, the Enrico Fermi Award, and two MacArthur Awards.

Bob has also helped UCSD broaden the school's research and academic portfolios. This year alone, UCSD established a School of Pharmacy and Pharmaceutical Sciences, a Management School, and an undergraduate college dedicated to the integration of technology, culture and the arts. Also on the undergraduate level, under Bob's leadership, UCSD more closely integrated Scripps Institution of Oceanography into the curriculum. The University has also broadened the curriculum related to diversity, adding a Chicano/Latino Arts and Humanities Minor.

Student quality at UCSD is at a record high under the guidance of Bob Dynes. Student enrollment has grown 25% since 1996 and quality of life has remained among the highest in the University of California system. This year, UCSD received close to 44,000 applications for admissions, the second-highest rate in the system. An accomplishment he is surely proud of is the one-year retention rate of 94% of all first year students.

Bob set high standards for himself and his administration as well as innovative ways to meet them. This is the truly the sign of someone who is a special leader. I am not just saying this because I am his friend; others see this quality in him as well. Bob has recently been named the 18th president of the University of California system by the UC Board of Regents. He was selected from a national pool of more than 300 candidates. His recommendation was made by a Regental selection committee that was assisted by advisory committees of faculty, staff, students, and alumni.

I would also like to thank Bob for his service to the 50th District of California. He and his administration worked hard to ensure that my staff was well informed of the University's accomplishments, and a variety of issues and challenges they have faced over the course of his term. This University is an important part of my Congressional District and is important to all San Diegans. I could not be happier with the leadership Bob has provided.

Mr. Speaker, it is my honor to recognize Robert Dynes on this occasion of his tenure as Chancellor of the University of California at San Diego for his dedication to education and his continued role in enriching the lives of students across the country. I thank him for his service and wish him continued success in the future.

INTRODUCTION OF THE ''SEPTEMBER 11TH VICTIM COMPENSATION FUND EXTENSION ACT OF 2003''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the ''September 11th Victim Compensation Fund Extension Act of 2003,'' legislation that extends the deadline for filing a claim with the September 11 Victim Compensation Fund to December 31, 2004. I am joined by Reps. NADLER, SCOTT of Virginia, JACKSON LEE, MEEHAN, DELAHUNT, WEINER, SCHIFF, LANGEVIN, SCOTT of Georgia, CARSON of Indiana, SANDERS, CROWLEY and MORAN.

The current deadline for applying for compensation from the Victims Fund is rapidly approaching, but it has become apparent that many families need more time. Thus far, just under a third of eligible families have applied to the Fund for compensation—only about 1,282 death claims and 1,050 injury claims have been filed so far by victim families, according to the Department of Justice.

Ken Feinberg, the Special Master for the Fund, is doing his best to get victims families to understand their rights. Recently, he has even taken out extensive advertisements in a number of newspapers and created a series of informational meetings and claim assistance sites to assist victims' families to file for compensation with the Victims Fund instead of filing a lawsuit against the airlines industry. These efforts should be commended.

In light of this reality, however, we believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004—an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund. Several September 11 victims support groups all agree that such an extension would provide some relief during these dark days for victims' families, as they endure the grieving process.

As we continue to reflect upon the tragedy of September 11th, victims' families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. This is something we can do now for victims of September 11. We strongly encourage are colleagues to support the ''September 11th Victim Compensation Fund Extension Act of 2003.''

HONORING THE LIFE OF JAMES BRENNAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, our home community of Toledo and the state of Ohio lost a champion citizen and patriot with the passing of James Brennan, who passed from this life on August 11, 2003 at the age of 77.

Born in Chicago, Jim attended Drake University on a football scholarship. He left to join the Army, but upon his return from service, he attended the University of Chicago. While in Chicago, he began his lifelong career in politics in 1955. Two years later, Jim moved to Toledo and established himself as a businessman. He grew Freeman Material Handling, now Brennan Industrial Truck Inc, into a viable business, which he was able to pass down to his children. While a prominent successful business leader, Jim extended himself to the broader community, and served on Ottawa Hills Village Council from 1975 to 1979. He followed this service with three tenures as the chair of the Lucas County Republican Party. His chairmanship was marked by strong leadership, civility, honesty and cooperation across party lines, with his vision always directed toward the betterment of our region. In addition to his county chairmanship, Jim also served at the grassroots level as a precinct committeeman, state central committeeman, and convention delegate.

Jim did not limit his civic-mindedness to business and politics. He was a member of the Ohio Board of Regents and trustee of Defiance College. He served on the boards of the Salvation Army, Goodwill Industries, and St. Vincent Hospital and was president of the Toledo Opera Association. All the while Jim Brennan was first and foremost a devoted family man and caring father and grandfather. A good and kind man beneath a brusque exterior, Jim lent his talents to many endeavors, and our community will miss his wit, energy, bluster, intelligence, and devotion. He helped build the character and ethic of our community.

We extend our heartfelt sympathies to Jim's children James Jr, Christine, Kate, and Amy, his brother Robert, and his grandchildren. May they find some comfort in the gift of his life and their cherished memories. Jim Brennan will be missed.

IN RECOGNITION OF WANDA RYAN'S ACCOMPLISHMENTS IN THE EDUCATION FIELD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ANDREWS. Mr. Speaker. I rise before you today in recognition of Ms. Wanda Ryan who has taught for 40 years with perfect attendance at the George Washington School located in Camden, New Jersey, in my District. Ms. Ryan is a shining example of what educators of today should be.

Ms. Ryan had only one leave of absence to give birth, 28 years ago, to her daughter. She went home from work one day and called her doctor with labor pains. The doctor admitted her to the hospital that evening and she gave birth to her daughter. She took a six week maternity leave of absence.

Barring the birth of her daughter, Ms. Ryan has not missed a day of school in her 40 years of teaching 1st grade at the George Washington School. Ms. Ryan has acted as a teacher-mentor over the years, providing wisdom and knowledge to share with her fellow educators. For Mr. Malcolm Adler, Principal at George Washington, Ms. Ryan serves as an exemplar through which he instills the values of dedication and service in new teachers.

There are no plans for retirement in Ms. Ryan's future. Her continued passion and dedication have recently earned her outstanding evaluations from her supervisor and Principal. Ms. Ryan is also well respected by her colleagues at George Washington who last year voted her ''Teacher of the Year.''

Mr. Speaker, please join me in congratulating Ms. Wanda Ryan on her dedicated service to the public school system, the George Washington School, the City of Camden, and the 1st Congressional District of New Jersey.

TRIBUTE TO THE DELAWARE VOLUNTEER FIREMAN'S ASSOCIATION AND THE LADIES' AUXILIARY LED BY PRESIDENTS JASPER LAKEY AND PAT MCCALL ON THEIR NINTH ANNUAL CONFERENCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today as a member of the Congressional Fire Service Caucus to honor and pay tribute to leaders and foundations in the firefighting community—The Delaware Volunteer Fireman's Association and the Ladies' Auxiliary of the Delaware Volunteer Fireman's Association. The members of both organizations are outstanding, dedicated and caring Delawareans

who make great sacrifices for the well-being and safety of our great State. On behalf of myself and the citizens of the First State, I would like to honor these outstanding organizations and extend to them our congratulations on serving Delaware.

Today, I recognize the Delaware Volunteer Fireman's Association and the Ladies' Auxiliary for more than just the peace-of-mind that they bring us. I recognize the groups for being leaders in the community and pillars of strength and dedication. Family, friends and fellow firefighters should take a moment to truly appreciate the world of difference the Volunteer Fireman's Association and its Ladies' Auxiliary have made.

In addition to the stature of the two organizations, their respective presidents also deserve our highest regard. President Jasper Lakey of the Delaware Volunteer Fireman's Association has served the Delaware City Fire Company for 54 years. In that time, beside the great feats and tireless dedication, he has served as Chief of the Delaware City Fire Company, Chief at the Texaco Refinery in Delaware City, President of the New Castle County Volunteer Fireman's Association and he served for 12 years as a member of the Delaware State Fire Prevention Committee. His undertakings and accomplishments are almost unmatched by anyone in his field.

Pat McCall presides over the Ladies' Auxiliary and in this capacity she has served the organization extremely well. President McCall is a 47 year member of the Christiana Fire Company Ladies' Auxiliary and her husband Jim has served the Company for 43 years. He was also President of the Delaware Volunteer Fireman's Association in 1979. The prestige of Mrs. McCall's family, of course, does not end there. Her two granddaughters are now members of the Auxiliary and they have reached a tremendous milestone of 5 generations serving the Christiana Fire Company.

With the leadership of Presidents Lakey and McCall, the Volunteer Fireman and the Ladies Auxiliary are certain to continue the great traditions of the volunteer firefighting community.

Once again, I thank the Delaware Volunteer Fireman's Association and the Ladies' Auxiliary for the service they have provided Delaware over their many years. Their commitment to fighting fires and saving lives has earned them a permanent place in Delaware's fire service history.

IN RECOGNITION OF ELEANOR KAHLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, September 2003 brings with it the 25th anniversary of the Eleanor M. Kahle Senior Center in our district. Starting life as the West Toledo Senior Center, it was renamed in 1995 upon the passing of its founder and guiding light, Mrs. Eleanor Kahle of Toledo, who passed from this life at the age of 78 years young on August 13, 1995.

In fact, a recognition of the senior center's milestone cannot be made without a tribute to its original inspiration: Eleanor Kahle, Polish-American by heritage, began her life on September 10, 1916, in what was then the small community of Sylvania outside of the city of Toledo. At the time of her death, she had become a citizen of the world. In all of the careers of her life—widowed wife and mother of six children, pastoral associate in the Roman Catholic Church, executive director of the West Toledo Senior Center, and elected official in the city of Toledo—Eleanor Kahle forged new ground. She delighted in the achievements of her sons and family. A devoted woman of the church, she became the first woman to serve as a pastoral associate, and essentially rose to the highest-ranking woman in the U.S. Roman Catholic Church at that time. In 1987, at the age of 70 when most people would not dream of making such a major change in their life, Eleanor Kahle began her stellar political career as an elected official, winning a seat on Toledo's city council, and eventually was elected the city's vice mayor. This work led to her involvement in Sister Cities International. Eleanor Kahle was a woman who drank deeply from life's cup. She was always planning, always working toward unmet horizons.

In 1977, at the suggestion of Eleanor Kahle, a group of people in West Toledo got together to determine the needs of the area's 17,000 seniors. Representatives from fourteen different service and church groups ''passed the hat'' and collected $12.47. On September 12, 1978, thirty founders ratified a Constitution, and West Toledo Senior People Inc. was born. They began to plan a center dedicated to meeting the needs of seniors in the neighborhoods of West Toledo. Under the Older Americans Act, such ''multi-purpose centers'' offered nutritional meals, learning opportunities, invigorating activities, and supportive services to elders in communities all across our Nation. Despite tremendous opposition, West Toledo Senior People doggedly pursued the creation of a senior citizens center. That dream became a reality in 1979 with the birth of the thriving West Toledo Senior Center in the renovated Willys Park Shelter House. Over the following year, 620 volunteers put in nearly 5,000 hours to make the shelter house the home of the West Toledo Senior Center. Eleanor Kahle was the center's first director, leading its growth until her retirement in 1993. Today that center stands, hundreds of seniors strong, housed in a large, expanded, pleasant building, as a true legacy to its founding members.

Immediately, the West Toledo Senior Center made its reputation as an active, involved, savvy group of people dedicated to making life better not only for themselves but seniors as a whole and our community at large. For many years the West Toledo Senior Center was the largest in Toledo. Its members include people from every walk of life, multiple generations, and all corners of West Toledo. It is truly a neighborhood center, and all who enter are immediately swept up into activity, delight, and camaraderie. The center has weathered difficult times as well, as founding members and original activists aged, passed on, and a new crop of leaders emerged to direct the center in the 21st century. Even as its founders pass into memory, the Eleanor M. Kahle Senior Center retains their light, and it continues to be a beacon in our community.

I join with the center's long time members and friends as we look back on a fruitful first 25 years, remembering old friends, special times, and inspiring moments. Yet, none will rest on the center's history nor the accomplishment of those who brought it to life, nurtured it, saw it through growing pains, and guide it into maturity. Rather, we cherish the first quarter century and look forward toward the bright horizon of tomorrow.

HONORING THE LANSING CITY RESCUE MISSION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor the Lansing City Rescue Mission for its service and devotion to the less fortunate people in my district. For over ninety years, the City Rescue Mission has been providing warm meals, warm beds and warm hearts to the people of Lansing who are unable to provide for themselves.

The Lansing City Rescue Mission opened its doors in November of 1911 and while finances were tight, the mission still managed to provide warm clothing to the needy and wholesome meals to the hungry. During the depression, the mission opened a soup line to serve the many hungry men and women who were without job, or a home. After several location changes, the mission settled in its present location in 1949. That same year, the mission was incorporated and a board of directors was selected. Throughout the 1950's, the newly incorporated mission continued to expand; and by 1960 the mission could sleep thirty-seven and feed forty-two. Today, the Lansing City Rescue Mission continues to serve the Lansing area with distinction. The mission has grown to 12 separate buildings and serves almost 1,500 needy individuals each year. In 2002, the mission provided almost 19,000 clean beds and over 53,000 nutritious meals.

In 2002, President Bush asked all Americans to devote themselves to the cause of community service and volunteerism. Mr. Speaker, The Lansing City Rescue Mission has been answering this call to service since 1911; and thanks to generous donations and hardworking volunteers, the Lansing City Rescue Mission will continue to serve for many years to come. On behalf of my constituents and the nearly 1,500 people served by the mission every year, I ask my colleagues to join me in honoring the Lansing City Rescue Mission.

REGARDING THE SITUATION IN CAMBODIA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LEACH. Mr. Speaker, this summer Cambodia held an important national election and the world is watching to see how its results are implemented under the Cambodian constitution.

Uniquely, the Cambodian constitution requires a two-thirds super majority in the National Assembly in order to form a government. In the national elections that were held

July 27, the ruling Cambodian People's Party (CPP) received 73 seats, while FUNCINPEC won 26 and the Sam Rainsy Party 24 seats, respectively. King Sihanouk will convene a new session of the National Assembly in late September, at which time parliament will elect its new leadership as well as discuss the formation of a new government.

While these are issues for Cambodians to decide, it is important that the parties negotiate peacefully and in conformity with the constitution to form a new government that will advance the interests of the Cambodian people. Likewise, it is critical that the rights of the Cambodian people to assemble peacefully and express their views and grievances are respected. Nothing could be more counterproductive than resort to violence or coercion. The goal of all parties must be to realize the aspirations of Cambodian people for a time of peace and prosperity under accountable and democratic governance.

HONORING VALERIE MARTELLI, RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Valerie Martelli, who was recently honored as the 2003 Rhode Island Small Business Person of the Year by the United States Small Business Administration. Ms. Martelli is the President of CME Consultants, a nationally accredited continuing medical education company headquartered in Wakefield, Rhode Island.

Ms. Martelli is a living example of the American dream, and she shows that through hard work and perseverance, success is attainable. Several years ago, Ms. Martelli was a single mother raising two children with the assistance of welfare and food stamps. Today, she is the head of a $1.5 million-a-year company in the midst of explosive growth.

After working in Rhode Island Hospital's Medical Education Department, Ms. Martelli learned that physicians, nurses, and other providers could not always attend continuing education courses at the times they were offered by hospitals and medical schools. Recognizing an opening, she founded CME Consultants, Inc. in 1994. CME Consultants provides continuing medical education classes through live conferences, teleconferences, CD-Rom courses, and over the Internet. In addition, courses are offered for pharmacists, physician assistants, and others. The company holds more than 5,000 conferences annually around the country.

The expansion of her business can be seen through the growth of her office space and employees. She started CME Consultants in a spare bedroom in her home. Later, she added staff and moved into a 2,000 square foot office. The company recently purchased a 3,500 square foot office as the headquarters for her nine employees.

As a member of several national and local organizations, Ms. Martelli is an active participant in her community, and her business serves the medical community to the benefit of patients nationwide.

Ms. Martelli joins a distinguished group of Rhode Islanders who have been named Small Business Person of the Year. Small businesses are key to economic growth in my home state, and I wish Ms. Martelli and the 33,000 other small business owners in Rhode Island great success in the future.

COST ESTIMATE FOR H.J. RES. 63

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for H.J. Res. 63, the Compact of Free Association Amendments Act of 2003, be submitted for the RECORD under General Leave.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for H.J. Res. 63, the Compact of Free Association Amendments Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226–2860.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director.

Enclosure

H.J. Res. 63—Compact of Free Association Amendments Act of 2003

Summary: H.J. Res. 63 would amend the Compact of Free Association Act of 1988 and subsidiary agreements between the United States and the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM). The compacts with RMI and FSM, together with the subsidiary agreements, govern the political, economic, and military relationship between the United States and these two freely associated states. Although the compact does not expire, certain provisions that authorized federal funding for RMI and FSM expired in 2001. The compact provides that expired provisions be extended until 2003 if negotiations to renew the compact had not concluded by 2001.

H.J. Res. 63 would provide financial assistance for RMI and FSM for the next 20 years. The legislation would make several changes to the compact to increase monitoring of financial assistance, create a joint oversight committee, and establish trust funds to provide funds to RMI and FSM beyond 2023. H.J. Des. 63 also would provide $30 million a year for costs related to the migration of RMI and FSM nationals to other jurisdictions and about $31 million annually for additional education grants for RMI and FSM.

Consistent with the baseline construction rules in the Balanced Budget and Emergency Deficit Control Act, CBO's baseline assumes that direct spending; for grants to RMI and FSM will continue over the 2004–2013 period-beyond the scheduled expiration date-at an average annual cost of $157 million a year. We estimate that enacting this legislation would increase direct spending by around $680 million above the amounts assumed in our baseline projections over the 2004–2013 period.

In addition, the legislation would extend the authority to appropriate funds for certain federal services for RMI and FSM for the next 20 years, for grants to pay for costs related to the migration of RMI and FSM nationals to other jurisdictions, and for costs associated with medical debt referral claims. Assuming the appropriation of the necessary amounts, CBO estimates that implementing these provisions of H.J. Res. 63 would cost $850 million over the 2004–2013 period.

H.J. Res. 63 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but relative to current law, that mandate would impose no costs on state, local, or tribal governments. The resolution contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.J. Res. 63 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
DIRECT SPENDING										
Baseline Spending for Compact of Free Association Under Current Law:										
Estimated Budget Authority	156	156	156	156	156	156	158	158	158	158
Estimated Outlays	156	156	156	156	156	156	158	158	158	158
Proposed Changes:										
Estimated Budget Authority	57	59	62	65	67	70	71	74	77	80
Estimated Outlays	57	59	62	65	67	70	71	74	77	80
Spending for Compact of Free Association Under H.J. Res. 63:										
Estimated Budget Authority	213	215	218	221	223	226	229	232	235	238
Estimated Outlays	213	215	218	221	223	226	229	232	235	238
CHANGES IN SPENDING SUBJECT TO APPROPRIATION										
Federal Program Services for RMI and FSM:										
Estimated Authorization Level	60	61	62	64	65	66	68	69	70	72
Estimated Outlays	45	61	62	63	65	66	67	69	70	71
Education Formula Grant Programs:										
Estimated Authorization Level	−13	−13	−14	−14	−14	−14	−15	−15	−15	−16
Estimated Outlays	−1	−9	−13	−13	−14	−14	−14	−15	−15	−15
Compact Expenses:										
Estimated Authorization Level	30	31	31	32	32	33	34	34	35	36
Estimated Outlays	30	31	31	32	32	33	34	34	35	36
Medical Referral Claims:										
Estimated Authorization Level	4	0	0	0	0	0	0	0	0	0
Estimated Outlays	4	0	0	0	0	0	0	0	0	0

	By fiscal year, in millions of dollars—									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Total Changes:										
Estimated Authorization Level	81	79	80	82	83	85	87	88	90	92
Estimated Outlays	78	82	81	82	83	85	87	88	90	92

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the start of fiscal year 2004, that the necessary amounts will be appropriated for each fiscal year, and that outlays will occur at the historical rate for grants to RMI and FSM.

Direct spending

H.J. Res. 63 would authorize and appropriate federal funds for economic assistance to RMI and FSM over the 2004–2023 period. Grant assistance would be aimed at needs for education, health, infrastructure, private-sector development, and the environment. In addition, the resolution would establish trust funds for RMI and FSM involving annual contributions for 20 years by RMI, FSM, and the federal government. Those trust funds are aimed at providing funds to RMI and FSM after federal grant assistance expires under the bill in 2023.

CBO estimates that direct spending authorized by this legislation would total $2.3 billion over the 2004–2013 period. However, consistent with the Balanced Budget and Emergency Deficit Control Act, which specifies that certain expiring provisions should be assumed to continue for budget projection purposes, CBO's baseline includes budget authority and outlays for payments to RMI and FSM totaling $1.6 billion over the 2004–2013 period. Thus, we estimate that H.J. Res. 63 would provide an increase in direct spending of about $680 million above the baseline over the 10-year period. The following paragraphs discuss the financial assistance that would be provided by this legislation.

Republic of the Marshall Islands. Over the 2004–2013 period, H.J. Res. 63 would provide RMI with grants of $356 million, $99 million in trust fund contributions, $160 million for U.S. defense operations on the Kwajalein Atoll, $20 million to compensate the Kwajalein landholders and RMI for the use of its territory by the U.S. military, and $14 million for agricultural programs.

Federated States of Micronesia. Over the 2004–2013 period, H.J. Res. 63 would provide FSM with grants of $793 million and $195 million in trust fund contributions.

General Assistance. The legislation would provide $30 million a year for health, education, social, and infrastructure costs associated with the migration of RMI and FSM nationals to Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI). This general assistance would cost $300 million over the 2004–2013 period.

Education. H.J. Res. 63 would make RMI and FSM ineligible to receive grants under any appropriated formula grant programs administered by the Secretary of Education. In place of those grants, the legislation would provide $29 million adjusted annually for inflation, or a total of $313 million over the 2004–2013 period, for education assistance.

Debt Forgiveness. Section 104 would allow the President—at the request of the Governors of Guam and the CNMI—to reduce, waive, or release all or part of any amounts owed by the respective governments to the United States. This authority would expire in February 2005. Based on information from the Office of Insular Affairs, Guam, and the CNMI, CBO estimates that the amount of outstanding debt owed to the United States by Guam and the CNMI is approximately $160 million. This amount consists of debts owed by Guam for telephone infrastructure improvements, disaster assistance, water consumption, and the construction of student housing. Based on information from the Office of Insular Affairs and the Office of Management and Budget, CBO has no expectation that this debt forgiveness authority would be exercised. If any changes were made to a federal loan using this authority, such as the $105 million loan to the Guam Telephone Authority from the Department of Agriculture for telephone infrastructure improvements, the cost would be recorded in the year that the change was effective, pursuant to the Federal Credit Reform Act, and could exceed $100 million. No costs for debt forgiveness are included in this cost estimate.

Other Programs and Services. H.J. Res. 63 also would continue to make available services currently provided by the U.S. Postal Service (USPS) and Federal Deposit Insurance Corporation (FDIC). Spending by these agencies is generally not subject to the annual appropriations process. Based on information from the Office of Insular Affairs, CBO expects that mail service to RMI and FSM costs USPS approximately $1 million annually; this cost is reimbursed by the Department of the Interior, subject to the availability of appropriations. In addition, CBO expects costs to the FDIC for continuing to insure deposits in the Bank of the Federated States of Micronesia would be offset by fees assessed on the industry, resulting in no net cost to the federal government.

Spending subject to appropriation

Federal Programs and Services for RMI and FSM. H.J. Res. 63 would specifically extend the authority to continue services to RMI and FSM provided by the National Weather Service, the Federal Aviation Administration, the Departments of Transportation and Homeland Security, and the Agency for International Development. Based on information from the Departments of State and the Interior, and the General Accounting Office (GAO), CBO estimates that continuing those programs for RMI and FSM would cost approximately $10 million annually, assuming appropriation of the necessary amounts.

Other federal agencies currently providing programs and services to RMI and FSM include the Departments of Labor, Education, Agriculture, and Health and Human Services. Most of this assistance is provided through those agencies' annual appropriations. Based on information from GAO and the Departments of State, the Interior, and Education, CBO estimates that these other programs and services for RMI and FSM currently cost about $50 million a year. Section 109 authorizes appropriations to continue federal services and programs to RMI and FSM, so these costs are included in this estimate.

Education Formula Grant Programs. H.J. Res. 63 would make RMI and FSM ineligible to receive grants under any formula grant program administered by the Secretary of Education. Based on information from the Department of Education, CBO estimates that RMI and FSM received about $13 million under discretionary formula grant programs in 2003. Assuming future appropriation acts discontinue such funding for RMI and FSM, this provision would reduce costs by an estimated $133 million over the next 10 years, including adjustments for anticipated inflation.

Compact Expenses. The legislation would authorize the appropriation of such sums as are necessary through 2023 for grants to Hawaii, Guam, American Samoa, and CNMI as a result of increased demands for health, education, social, and infrastructure services associated with the migration of RMI and FSM nationals to these areas. Based on information from the GAO, Hawaii, Guam, American Samoa, and CNMI, CBO estimates that the increased demands resulting from the migration of RMI and FSM nationals cost these areas approximately $60 million annually. Hence, CBO estimates that implementing this provision would cost an average of $33 million annually, or $328 million over the 2004–2013 period, in addition to the $30 million in annual general assistance payments.

Medical Referral Claims. FMS and RMI nationals are sometimes diagnosed with health conditions that cannot be treated at their local hospitals. In such cases, patients may be referred to hospitals in Hawaii, Guam, CNMI, or American Samoa for treatment. The cost of treatment at hospitals in other jurisdictions can exceed the insurance payment from RMI and FSM nationals. H.J. Res. 63 would authorize the appropriation of such sums as are necessary to compensate hospitals outside RMI and FSM for the cost of services provided to referred RMI and FSM nationals that have not been reimbursed prior to October 1, 2003. Based on information from the embassies of RMI and FSM, CBO estimates this provision would cost $4 million in fiscal year 2004, subject to the appropriation of the necessary amounts.

Estimated Impact on state, local, and tribal governments: H.J. Res 63 contains an intergovernmental mandate as defined in UMRA because it would explicitly prohibit states from taxing revenue generated by the trust funds established in the legislation and from treating the funds as anything other than a nonprofit corporation. Since the trust funds do not currently exist, this provision would not affect state budgets relative to current law and the threshold established in UMRA ($59 million in 2003, adjusted inflation) would not be exceeded.

If H.J. Res. 63 were enacted, affected jurisdictions, including; Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, would continue to incur costs for services to migrants; however, such costs would not be the result of enforceable duties imposed by the federal government. The joint resolution would provide $30 million per year and would authorize the appropriation of additional sums as may be necessary to offset the impacts of migrants on social services and infrastructure of affected jurisdictions.

H.J. Res. 63 also would require affected jurisdictions to report each year on the impact of the compact; the costs of complying with the requirement would be funded from the $30 million in general assistance. As defined by UMRA, such a requirement is not a mandate because it is a condition for receiving federal assistance. Further, the joint resolution would authorize the President to forgive certain debts owed to the United States by Guam and the Mariana Islands.

Estimated Impact on the Private Sector: H.J. Res. 63 contains no private-sector mandates as defined in UMRA.

Previous CBO Estimates: On September 15, 2003, CBO transmitted a revised cost estimate for H.J. Res. 63 as reported by the

House Committee on International Relations on September 4, 2003, and an estimate for H.J. Res. 63 as ordered reported by the House Committee on the Judiciary on September 10, 2003. All three versions of this legislation would amend the Compact of Free Association. The versions approved by the Committees on International Relations and the Judiciary are identical. In contrast, the version of H.J. Res. 63 approved by the Committee on Resources would provide significantly more funding for RMI and FSM. Our estimates for the different versions of the legislation reflect those differences.

Estimate prepared by: Federal Costs: Matthew Pickford (226–2860) and Donna Wong (226–2820); Impact on State, Local, and Tribal Governments: Sarah Puro (225–3220); and Impact on the Private Sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

A PROCLAMATION RECOGNIZING COMMANDER LORIN C. SELBY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. NEY. Mr. Speaker, Whereas, Commander Lorin C. Selby has completed his tour in the Navy's House Liaison Office; and

Whereas, Commander Lorin C. Selby has demonstrated a commitment to meeting challenges with dedication, confidence, and outstanding service; and

Whereas, Commander Lorin C. Selby will continue in his service to the United States of America as Commanding Officer of the USS *Greeneville*; and

Whereas, in this post Commander Lorin C. Selby will protect our great nation and play an important role in the War on Terrorism;

Therefore, I am honored to join with Members of Congress and Congressional Staff in recognizing a true patriot, Commander Lorin C. Selby.

PUT AMERICANS BACK TO WORK: PASS THE REBUILD AMERICA ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. OBERSTAR. Mr. Speaker, on September 1, we celebrated Labor Day, a day to honor America's working men and women. On that same day, America's most respected journalist, Walter Cronkite, wrote a newspaper column reminding us all of the millions of Americans who are unemployed and the need to put them back to work.

Mr. Cronkite recalled how public investment in our national infrastructure, through programs such as the Works Progress Administration, once created jobs by building new public facilities: highways, bridges, airports, libraries, schools, courthouses, even New York's Lincoln Tunnel and the Overseas Highway linking the Florida Keys.

''The W.P.A. built what in many ways is the America we know today,'' Mr. Cronkite wrote.

I salute Mr. Cronkite for once again reminding us who we are, where we came from and how we got here. I further commend him for recognizing that the same approach that helped America recover from the worst economic disaster in its history, the Great Depression, can and will work today.

Mr. Speaker, a few short weeks ago, I joined the gentleman from Illinois, Mr. COSTELLO, and the rest of my Democratic colleagues on the Transportation and Infrastructure Committee, in introducing H.R. 2615, the Rebuild America Act of 2003. This bill is designed to put Americans back to work now—within 90 days of the bill's enactment. It invests $50 billion in our national economy by building and improving roads, bridges and transit systems, expanding airport capacity and enhancing safety, rebuilding wastewater systems and treatment plants, upgrading beds for high-speed service and many other projects.

Over the 10–year life of this bill we can generate $310 billion in economic activity and, most importantly, create 2.3 million jobs.

The Rebuild America Act is built for speed. It gives priority to projects that are ready for construction, thereby creating jobs immediately and giving our economy a quick jump-start. Mr. Speaker, if we were to enact this bill by the end of September, we could be putting Americans to work by Christmas.

And next Labor Day, Mr. Cronkite can write about all the new jobs we created.

I call upon my colleagues to bring up and pass the Rebuild America Act without any further delay, and I commend to you all the complete text of Mr. Cronkite's column, as published in the Sioux City Journal, and I ask unanimous consent to include in the RECORD a summary of the Rebuild America Act:

LITTLE TO CELEBRATE FOR UNEMPLOYED

So Labor Day comes again. Many will celebrate this annual recognition of the dignity of our American labor force.

But there is little to celebrate for 9 million Americans on the unemployment rolls and somewhere around 1 million others, our invisible unemployed, who we are told have yielded to soul-searing despondency and no longer even seek work. Maybe we should make them visible. We could put yellow ribbons on their homes in the same manner we recognize our heroes, for those civilians who, through no fault of their own, have fallen on outrageous fortune.

As they get jobs, the yellow ribbons would be removed. Perhaps that would make it harder for administration representatives to disguise how serious the unemployment problem really is.

We might note here that the frightening number of unemployed does not include the tens of thousands of others who have lost good jobs in industry and commerce and have only been able to find work in menial or low-paying temporary jobs. At the same time, we see a rise in the U.S. productivity data, an important economic indicator. However, that improvement is in part because thousands of jobs have gone overseas, where wages are lower.

A few days ago, the Labor Department reported that the number of persons filing new unemployment claims last month was the lowest in six months. Good news that things aren't getting worse, but the numbers still leave millions unemployed, an unacceptable figure in a caring society.

With that and some other favorable economic indicators, the Bush administration finds cause to boast. It sees justification of its contention, when it was negotiating its $1.6 trillion tax cut, that the rich who immediately benefited eventually would put their tax savings back into the economy and thus feed its recovery and gradual re-employment. This trickle down theory might work in time, but the thousands of unemployed don't have that time as their families do without life's essentials—food, clothing and shelter.

To speed their re-employment, there recently have been suggestions, mostly by Democrats, that what is needed is the resurrection of Franklin Roosevelt's formula to deal with the Great Depression he inherited in 1933.

Roosevelt's brain trust believed in ''trickle up'' rather than trickle down—give people work, and the vast payroll spread widely across the country would speed recovery from the Depression.

His program, called the Works Progress Administration, almost instantaneously put one-third of the country's unemployed back to work—some 8.5 million people. The WPA built what in many ways is the America we know today.

In the eight years of its existence (until wartime demands created a labor shortage), the government-subsidized workers built 116,000 buildings—including schools, libraries, hospitals and courthouses—78,000 bridges and 651,000 miles of highways, and improved 8,000 airports. Among the WPA's other monumental achievements: the Golden Gate Bridge, New York's Lincoln Tunnel, Virginia's Skyline Drive and the Florida Keys' Overseas Highway.

A similar project today could answer the urgent need to repair and upgrade the nation's crumbling infrastructure—our electric power grids, our bridges and highways, our dams and waterways, our schools.

Such a program would cost billions of dollars, which our Treasury does not have, thanks to the Bush tax cut and disastrous underestimation of the costs of the Iraq war and reconstruction. What is required now is political leaders courageous enough to defy the maxim that no one ever gets elected proposing higher taxes. They would call for repeal of the Bush tax cut and the imposition of the new taxes that will be necessary not only to put our unemployed to work but to begin reducing the national debt, that financial burden that we are unconscionably about to unload on future generations.

A BILL TO REBUILD AMERICA BY INVESTING IN TRANSPORTATION AND ENVIRONMENTAL INFRASTRUCTURE AND SECURITY

[Introduced by Cong. Costello, Cong. Davis, Cong. Oberstar and other Democratic Members of the Committee on Transportation and Infrastructure, June 12, 2003]

$50 BILLION FOR INFRASTRUCTURE INVESTMENT

Provide $50 billion for infrastructure investment to enhance the safety, security, and efficiency of our highway, transit, aviation, rail, port, environmental, and public buildings infrastructure. By leveraging Federal investments, the ten-year cost to the Treasury of this bill is less than $34 billion.

Highways, $5 billion; transit, $3 billion; aviation, $3 billion; high-speed rail, $14 billion; passenger and freight rail, $7.5 billion; port security, $2.5 billion; environmental infrastructure, $11.5 billion; water resources, $1.5 billion; economic development, $1.5 billion; and public buildings, $500 million,

The bill requires these funds to be invested in ready-to-go projects. Priority shall be given to projects that can award bids within 90 days of enactment. The bill also requires funds to be obligated within two years.

The bill includes a maintenance of effort provision to ensure that recipients continue their current investment levels, particularly with regard to infrastructure security.

Finally, the bill allows recipients an extended period of time to meet their state and local match requirements.

TRIBUTE TO E. LARRY ST. LAURENT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to E. Larry St. Laurent who is retiring after 15 years as Director of the Ocean County Veterans Service Bureau. Although still suffering injuries suffered during the Korean War, Mr. St. Laurent has devoted countless hours to Ocean County's veteran population. Those injuries have given him a special insight into the problems of veterans who are trying to navigate through the bureaucratic maze and receive the benefits they have earned and to which they are entitled.

Larry was a leader in the effort to raise $3 million to erect a memorial to the men and women from New Jersey who died during the Korean War. The New Jersey Korean War Memorial was dedicated in 2000, thanks in great part to his efforts.

A lifelong public servant, Larry has devoted his life to his fellow veterans, beginning in 1952 as Service Officer for Jackson VFW Post 4703. He has been an officer in several veterans organizations, including Disabled American Veterans and the Military Order of the Purple Heart, as well as his current position as Director of the Ocean County Veterans Service Bureau.

His understanding of the needs of our veterans has enabled him to provide veterans with the opportunity to improve their lives. I have enjoyed working with Mr. St. Laurent and his Veterans Service Bureau over the years, and I salute his commitment to Ocean County and its veterans, for whom he will continue to advocate even in retirement. His will be difficult shoes to fill.

TRIBUTE TO FOREIGN MINISTER OF SWEDEN ANNA LINDH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to deliver a short message both to the American people and to my good friends in Sweden and, indeed, to all the people of Sweden.

Mr. Speaker, last week, the foreign minister of Sweden was brazenly assassinated. I hope the people of Sweden will accept Congress' heartfelt sympathy for the passing of their Foreign Minister, Anna Lindh. I had the greatest respect for this very talented woman. I certainly agree with British Foreign Secretary Jack Straw's comment that ''she represented everything that was wonderful about Sweden and about Europe.''

Anna Lindh's devotion to all of the citizens of Sweden and to the betterment of our world was very laudable. That she was considered a possible future prime minister is not surprising. Her reputation as one of Sweden's most popular government officials was recognition by you of her unimpeachable integrity and great vision. Anna Lindh saw all that was good about a nation already held in high regard around the world and strove to polish its image even more.

Everyone who considers government service a noble calling had an excellent role model in this wonderful woman. Far from putting an end to the goals she had set for herself and her people, her death will encourage others with similarly high ideals to continue and expand on her work, taking it to new heights. That would be the best way to honor her memory, and Sweden deserves nothing less.

We are all much poorer for this terrible tragedy. Sweden has lost a great leader, and the world has lost one of its finest citizens. After our period of grief, all of us, government leaders and common citizens alike, must rededicate ourselves to the work of making our nations and our world the kind of places Anna Lindh wanted for us. As we go forward, her spirit will be guiding us.

IN REMEMBRANCE OF SEPTEMBER 11

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. TURNER of Ohio. Mr. Speaker, it is hard to imagine how much our world has changed in the past 2 years. New challenges have been met with great courage and the commitment of a strong Nation. Out of the ashes of the twin towers has emerged an America with a renewed sense of pride and appreciation for our country.

Americans love freedom. We cherish our way of life and the values that make us Americans. Our Founding Fathers stood with ''the flame of freedom in their souls, and light of knowledge in their eyes'', and created a country unlike that of any other. A country where people do not live in fear; a country where ideas, education and imagination are endless; a country where children can dream of things never before achieved, and grow up to actually do them.

It has been 2 years since the terrorist attacks, yet when I look around, I see an even greater America than had existed before. Our love of freedom and the American way of life cannot be shaken. We stand together—a United America—so that one day, others may know the joy of freedom.

CALLING FOR TAIWAN'S RETURN TO THE UNITED NATIONS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HINCHEY. Mr. Speaker, as the 58th session of the United Nations General Assembly convenes this week, I rise to recognize the accomplishments of the Republic of China on Taiwan and call for its rightful return as a member of the U.N.

Taiwan has become a stable, democratic presence in Asia, a bulwark of support for human rights and a world economic power. It is a thriving multi-party democracy, with free and fair elections held at all levels of government. Taiwan also has a thriving capitalist economy. It is now the United States' eighth largest trading partner and a major investor in East Asia.

The R.O.C. has long demonstrated its commitment to the well being of the international community. It has a history of heeding calls by the U.N. for emergency relief and assistance to countries that suffer disasters and wars. Its generosity and humanitarianism have included Kosovar refugees, Afghanistan reconstruction, Iraqi food supplies, the Global Fund to Fight AIDS, and victims of natural and man-made disasters in El Salvador, Turkey, Nicaragua, and New York City in the wake of the September 11, 2001 terrorist attacks.

Denying Taiwan U.N. membership is not in the best interests of the world community. The memberships of the now unified East Germany and West Germany and the divided Republic of Korea and the Democratic People's Republic of Korea are examples of parallel representations of divided nations in the U.N. The U.N.'s role in exchanges between East and West Germany assisted in the eventual unification of the country in 1990.

Taiwan's membership in the UN will have enormous benefits for the international community and it is imperative that this unfair and untenable situation be resolved.

CITRUS COUNTY INDUSTRY APPRECIATION WEEK

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in honor of Citrus County Industry appreciation Week, A 21 year-old tradition that originated in my Fifth Congressional District to honor our industries and recognize their contributions to our communities.

Last Thursday, industry executives and employees, along with community activists and residents kicked off the week-long celebration. Upcoming events include a Thursday afternoon barbecue to wrap up the week and an awards luncheon, to take place today, to recognize outstanding local businesses and business professionals for outstanding public service, employee relations, and contributions to the community.

Awards being given at the event will go to Citrus County's Most Outstanding Small Business, Most Outstanding Employer or Corporate Citizen, and Person of the Year. I wish all those in the running for these awards well—and send this year's organizers my regrets! I am surely missing a great event.

We all know that industry creates jobs—which no one will argue is a bad thing—and it broadens the tax base of an area, meaning cities and municipalities take in more revenue to spend on public works projects, on our schools, and on a whole host of other things vital to the community. Industries also regularly contribute charitably to citizen groups and organizations, volunteering time and resources to improve the area where they do business and where their employees live.

Recently, following Citrus County's lead, the State of Florida has begin celebrating a state

wide Industry Appreciation Week as well, giving the entire Sunshine State the opportunity to realize just how much we all benefit from having the industries that we do.

Mr. Speaker, I am pleased to represent an area of Florida that started the trend, if you will, of honoring local businesses and recognizing their place in our communities. I ask that you and my colleagues in this body join me in congratulating Citrus County and wishing them well as they conclude their Industry Appreciation Week.

HONORING REVEREND FATHER KEVORK ARAKELIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RADANOVICH. Mr. Speaker I rise today to honor Reverend Father Kevork Arakelian on the occasion of his 30th Anniversary of Ordination and Consecration into the Sacred Priesthood of the Armenian Apostolic Orthodox Church. Father Kevork will be recognized at an event held in his honor on September 28th in Fresno, California.

Born in 1943, Father Kevork and his family moved from New York City to Pasadena, California, after World War II. He attended Pasadena City Schools and became very active in sports. Father Kevork played baseball, football, and handball both for school and outside local teams. After graduating from Pasadena High School, he attended San Antonio College and received his A.A. degree. He then earned his B.S. degree in Business Administration at California State Polytechnic University, and attended Saint Vladimir's Orthodox Theological Seminary in 1971.

Father Kevork's religious activities have been as far-reaching as they have been significant. He was ordained to the Diaconate in 1967 and to the Priesthood in 1973. Father Kevork served as Church School Associate Director in Pasadena for two years; Counselor and teacher at St. Nersess Summer Study Program; Chaplain at Susquehanna Valley home; and held many other positions of great value to churches and schools. He is currently the Parish Priest of St. Gregory the Illuminator Armenian Church in Fowler, California, where he serves on several different levels.

Father Kevork has served at St. Gregory's since 1980. St. Gregory the Illuminator is the fourth largest Armenian Church in the United States. He has been the Committee member for the 1700th Anniversary of the acceptance of Christianity in Armenia; Secretary to the first Alumni Association of St. Nersess Seminary; Chairman of the first Camp Board of Directors; and has taught various classes at retreats, camp programs, and workshops. St. Gregory's has grown considerably in people and extracurricular activities since Father Kevork has presided there.

Mr. Speaker, I rise today to honor Reverend Father Kevork Arakelian for his years of service and to thank him for his dedication to the congregation of St. Gregory and to the Armenian community of the Central Valley. I invite my colleagues to join me in extending him best wishes for his future.

HONORING ORCHARD RIDGE REHABILITATION AND NURSING CENTER

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Orchard Ridge Rehabilitation and Nursing Center in my Fifth Congressional District. The staff at Orchard Ridge was recently awarded the American Healthcare Association's Quality Award, for excellence in service, performance, and of course quality to patients, customers and communities.

The American Healthcare Association is the trade association for the longterm care industry and, in that role it promotes nursing and rehabilitation centers across the country and recognizes outstanding achievement and quality in that sector.

I am proud, Mr. Speaker, to have such a distinguished nursing and rehabilitation facility in my district and am happy to be able to honor Orchard Ridge before you and my colleagues today.

On October 15, in San Diego, CA, the rest of the industry will have the opportunity to honor Orchard Ridge for attaining this award when they convene for the AHCA's national convention.

I commend Orchard Ridge Rehabilitation and Nursing Center and my colleagues in this body to do the same. I am proud to be the representative of many of its patients and employees in Congress.

Congratulations to a hard-working team for a much-deserved award.

HONORING SIERRA TEL COMMUNICATIONS GROUP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Sierra Tel Communications Group in honor of California Small and Rural Telecommunications Week. An event was held in Sierra Tel's honor on Sunday, September 14th in Oakhurst, California.

Small and rural telephone companies will be participating in National Small Telecommunications Week from September 15th through September 21st. Rural telephone companies will acknowledge and reflect on the great advancements made in their industry. For more than 100 years small, country telecommunications companies have provided high-quality services to rural America. These companies have long been known for their state-of-the-art technology and superior, cutting-edge services. Over 1,100 small rural companies are in existence serving areas the larger companies choose not to serve due to factors such as topography, population, and profitability.

Independent rural telephone companies, like Sierra Tel, play an important role in the telecommunications industry as well as their local communities. They ensure that large telecom interests do not override the needs of rural America, and they work on behalf of the people to keep rates affordable. The local telecommunications company is vital to the economic development efforts of the community, often providing jobs and local leadership.

Mr. Speaker, I rise today to recognize Sierra Tel Communications Group for its commitment and service to their community. I invite my colleagues to join me in honoring Sierra Tel during California Small and Rural Telecommunications Week.

HONORING BOB HINTON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a constituent of mine, Bob Hinton. Bob bravely served this country in Korea. After his service left him disabled, he continued giving to his community by producing a video warning teen drivers of the dangers of drunk driving.

Bob Hinton is an honorable and caring, public servant. However, he is not a public servant in the traditional sense. Rather than seeking acclaim in public office, Bob follows a passion; his greatest pleasure is giving to others.

In August of 1948, Bob enlisted in the United States Air Force where he gallantly served his country and received several accolades in the process. After retiring with 100% disability, Bob moved to Florida. There, he joined the American Legion Post 139 where he volunteered his services, which won him the ''Unsung Hero's Award'' in 1984.

As an ameatuer videographer, Bob began covering news events in Hernando County and central Florida for several local and national TV programs including ''Good Morning America.''

Driven by his continuing zeal to help others, Bob transformed his new found skills into an instrument of service. He has voluntarily created training videos for the Highway Patrol, the Red Cross, and sheriffs' offices in Hernando and surrounding counties. Additionally, Bob has donated copies of his drunk driving videos to various schools hoping to save teenage lives.

Even though Bob has recently been diagnosed with prostate cancer and undergone several radiation treatments, he has continued to film throughout his tribulations and says if he can keep busy helping others he won't feel his pain. Bob is never happier than when he is helping someone. Thus, he is a shining example of what individuals should strive to become.

Mr. Speaker, I am proud to call Bob Hinton a constituent and I ask you to join with me in thanking him for his continued service.

SAVE CANCER CARE

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HINOJOSA. Mr. Speaker, I rise today on behalf of cancer patients in my district.

I would like the conferees working to craft a final Medicare prescription drug benefit to

know what the cancer community in the 15th District of Texas is saying.

Mr. Speaker, the cancer community is united in saying that the deep cancer care cuts, in the form of reductions in reimbursements to community-based clinics for cancer drugs, will catastrophically dismantle the cancer care delivery system we have built in this country.

If passed, the cancer community fears these cuts will turn back the clock on cancer care at least 30 years:

Community-based cancer centers nationwide, where 80 percent of patients receive treatment, will be forced to stop seeing Medicare patients or close their doors all together.

This will force cancer patients back into hospitals or large academic cancer clinics—and those institutions have said they cannot handle the influx of patients.

Patients in rural America—like in parts of my South Texas District—will be severely burdened as they will have to travel great distances to receive care.

Family members and friends who would have to accompany a loved one on those long trips, would face the economic burden of missing work as well as the psychological hurdle of helping someone through treatment, if this bill passes in its current form.

These cancer cuts will not only affect today's treatments, but tomorrow's medical cures. That's because more than 60 percent of clinical trials of promising cancer treatments occur in the community-based setting. Without community treatment centers to provide care, patient access to clinical trials—and the hope they represent—would be significantly curtailed.

These cuts appeared at a critical time in the war against cancer. Just last month the National Cancer Institute reported that mortality rates from the four most common types of cancer—breast, colorectal, lung and prostate—appear to have declined. That marks eight years in a row that cancer deaths have declined. But even with that good news, we still face many challenges in the War on Cancer.

According to the American Cancer Society, 1-in-2 men and 1-in-3 women will be diagnosed with cancer at some time in their lives.

And an estimated 60 percent of new cancer cases are predicted in people aged 65 years and older.

Prescription drug coverage is a noble cause, and one which I hope we can provide to seniors. But we cannot provide seniors drug coverage on the backs of cancer patients—many of whom are fighting for their lives.

Seniors deserve a Medicare prescription drug bill, not a $16 billion cancer care cut.

TRIBUTE TO MOE BILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to a friend, Moe Biller, former president of the American Postal Workers Union, who passed away last Friday.

Morris ''Moe'' Biller headed APWU for more than twenty years, fighting for the workers he represented. From his beginnings as a part-time clerk to eventually becoming president of the APWU, Moe committed himself to helping those who were underrepresented.

Born November 15, 1915, Moe attended high school and college in New York City. In 1937, he began his postal career on the Lower East Side of Manhattan. Making less than one dollar per hour with no vacation benefits or sick pay, Moe was committed to his job and to improving conditions for his fellow employees.

He held several positions including chairman of the Membership Committee, Sergeant-at-Arms, and Executive Vice-President before being elected as president of the Manhattan-Bronx Postal Workers Union in 1959. In 1971, Moe served on the committee that oversaw the merger of the five postal unions that now comprise the APWU. An early supporter of civil rights, Moe championed the cause of greater equality for women in the workplace. He was also a longtime member of the Coalition of Labor Union Women and the NAACP.

Moe's other achievements include serving on the New York City Central Labor Council, the Executive Council of the AFL–CIO, the labor federation's Public Employee Department, and the Executive Committee of the Postal, Telegraph and Telephone International. He also served on the boards of several charitable and civic organizations, including the Muscular Dystrophy Association, United Way International, the National Advisory Council to the March of Dimes Birth Defects Foundation, and the Federal Executive Committee of the Combined Federal Campaign.

Among his many accolades were the 1979 Community Service Award from the New York City Central Labor Council, the 1982 Spirit of Life Award from the City of Hope National Medical Center, the 1999 Ellis Island Medal of Honor, and the 1999 Lower East Side Tenement Museum Urban Pioneer Award.

Moe's spirit will always be strong in those who knew him, and in those whose lives he touched but who never had the opportunity to meet him. Through Moe's life, we all benefit from his tireless efforts to help those who could not help themselves.

I express my deepest condolences to his family during this difficult time.

Thank you.

MURDER OF UKRAINIAN HEORHIY GONGADZE STILL UNSOLVED AFTER 3 YEARS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SMITH of New Jersey. Mr. Speaker, the murder of Ukrainian investigative journalist Heorhiy Gongadze remains unsolved—three years after he was murdered. On September 16, 2000, Gongadze, editor of ''Ukrainska Pravda'', an Internet news publication critical of high-level corruption in Ukraine, disappeared.

Ukrainian President Kuchma and a number of high-ranking officials have been implicated in his disappearance and the circumstances leading to his murder. Audio recordings exist that contain conversations between Kuchma and other senior government officials discussing the desirability of Gongadze's elimination. Over the last three years, the Ukrainian authorities' handling, or more accurately, mishandling of this case has been characterized by obfuscation and stonewalling.

Last month, a prime suspect in the case, former senior militiaman Ihor Honcharov, who allegedly headed a gang of ex-police accused of several kidnappings and murders, died in police custody under mysterious circumstances. His posthumous letters—which give a detailed account of events surrounding Gongadze's death and which name names—are now being investigated by the Prosecutor General's office. A few days ago, Prosecutor General Svyatoslav Piskun indicated that some facts in the letters have proved to be true. Reportedly, warrants have been issued for two suspects in the killing.

Mr. Speaker, a credible investigation of this case by Ukrainian authorities is long overdue. At the same time, it is important to stress that not only those who committed the actual crime, but those who ordered it—no matter who they may be—need to be brought to justice.

Unfortunately, the Gongadze case is not an isolated one. The murder, and deaths in suspicious car accidents, of journalists and opposition figures, have become commonplace. Earlier this year, Ukraine's Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, and many more have been beaten, including several within the last few months. This past July, Volodymyr Yefremov, a journalist critical of president Kuchma who worked with the press freedom group Institute of Mass Information (11/41), died in a suspect car accident. Just two weeks ago, Ivan Havdyda, who was head of the Ternopil region branch of the democratic opposition ''Our Ukraine'', was found murdered in Kyiv under questionable circumstances.

Over the last three years, the Helsinki Commission, Members of the House and Senate, Department of State, the OSCE, the Council of Europe and other international institutions repeatedly have raised the Gongadze murder case and urged the Ukrainian authorities to undertake a serious investigation into the this case. The response from Ukrainian officials has done nothing but cast doubt about the Ukrainian Government's commitment to the rule of law. Last year—just to cite one example—Ukrainian authorities blocked FBI experts from examining evidence gathered during the initial investigation, even after promising to accept U.S. technical assistance in the matter.

I also hope that the Ukrainian parliament will take determined action in encouraging governmental accountability for solving the Gongadze and other murders, and bringing those involved to justice.

The lack of a resolution of the Gongadze and other cases of those who have perished under suspicious circumstances has tarnished the credibility of the Ukrainian authorities in dealing with fundamental human rights.

Mr. Speaker, as Chairman of the Helsinki Commission and in the strongest possible terms, I once again urge Ukrainian authorities to take seriously the many enduring concerns regarding the circumstances that led to Heorhiy Gongadze's murder and the subsequent investigation.

A PROCLAMATION RECOGNIZING MICHAEL RUTAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. NEY. Mr. Speaker:

Whereas, Michael Rutan has demonstrated professionalism and a dedication to safety; and

Whereas, Michael Rutan has logged 1 million miles, the equivalent of circling the earth's equator 40 times, without a single preventable accident; and

Whereas, Michael Rutan must be commended for the hard work and dedication he put forth over his years at Yellow Transportation;

Therefore, I join with the Motor Freight Carriers Association and the residents of Ohio 18th Congressional District in congratulating Michael Rutan for his outstanding achievement.

TRIBUTE TO HOLY FAMILY PARISH ON THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th Anniversary of the Holy Family Parish in Sugar Notch, Pennsylvania on their centennial celebration on Sunday, September 14th.

One hundred years ago, Holy Family Parish was established when Bishop Michael J. Hoban named Father Stanislaus A. Dreier as the first pastor. The parish consisted of approximately 150 families. Life was hard, with many men working in the mines from dawn to dusk. With knowledge of the many accidents and various mine disasters, the strong roots of their Catholic faith helped them to endure their personal hardships.

In 1911, Father Franciszek Kasaczun, the second and most influential, pastor was named. His 31 years as pastor was during a time of heightened influx of immigrants from Europe who were looking to a church to meet their spiritual needs. These new immigrants established strong ties to the church, showing their loyalty to their new country, and keeping their ties with Poland. Because of his fluency in Polish, Lithuanian, and English, Father Kasaczun was just the man to accomplish this. He recognized the importance of education to help the immigrant families better themselves. The school began as just four rooms operating in the church basement, but through Father Kasaczun's efforts moved into the rectory. In 1916 Father Kasaczun invited the Bernadine Sisters of Reading, Pennsylvania to take over the work of teaching and caring for the Sanctuary and Sacristy.

Father Kasaczun organized many humanitarian efforts benefiting the community. Among many other accomplishments, he organized the Children's Relief Fund for Poland, helped WWI veterans with their transition back to civilian life, remodeled company homes, covered the swamps with clean fill, fixed the main street, and convinced the Lehigh and Wilkes-Barre Coal Company to build a playground for the children in the community.

On July 7, 1992, Father John S. Terry was named the sixth, and current pastor of Holy Family Parish. Father Terry, in addition to overseeing the renovation of the church, introduced new practices and devotions to the parish. Children's masses were celebrated monthly and on holidays. A special mass for the deceased would be held on All Soul's Day with the participation of family and friends. Meals were delivered to the shut-ins and needy during Christmas, Easter, and Thanksgiving.

The past one hundred years has brought many changes to the Holy Family parish and community. Gone are the coal, rail and garment industries that employed their parish members. They held together during the tragic world events that brought them unity and emotion. Today, The Holy Family Parish has become an important historical landmark in Sugar Notch, Pennsylvania, and a home to their growing population of parish members.

Mr. Speaker, on their 100th Anniversary, I recognize both the efforts and positive impact of Holy Family Parish and Father John S. Terry in Northeastern Pennsylvania.

CELEBRATING 25 YEARS OF SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RANGEL. Mr. Speaker, the enactment of the Employee Retirement Income Security Act of 1974 (ERISA) was an important step toward protecting retirement benefits for millions of American workers. Over the years, ERISA has developed into a complex legislative framework. Congress regularly revisits this important area of law in a effort to perfect it.

In its efforts, Congress may be making it better as it seeks to enhance the protections provided to many workers and their beneficiaries, but this is not without added complexity. For those of us who are not comfortable making casual conversation on such topics as actuarial assumptions and technical funding rules we have valued the service EBRI has provided over these many years. EBRI is a nonpartisan research organization that specializes in employee benefits. It collects and analyzes the relevant data and make it available in a format that is easily understood by all of us.

The service EBRI provides is invaluable. Many of us in Congress find it particularly useful because of the balanced format in which the information is presented. This makes the information EBRI distributes acceptable by all sides in the debate. In addition, it provides a common base of knowledge that helps us evaluate conflicting proposals.

EBRI has now been doing this important work for a quarter of a century. As EBRI celebrates its 25th anniversary, I want to take this opportunity to wish the valuable organization well. It is my hope that they keep these analyses coming. We will need them more than ever in the months ahead.

CONGRATULATING THE NEW BEGINNING CENTER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HENSARLING. Mr. Speaker, today I rise to congratulate the New Beginning Center on the recent groundbreaking and renovation of their domestic violence shelter in Garland, Texas.

For almost two decades, the New Beginning Center has been a silver lining for the victims of domestic violence in the North East Dallas area.

Through crisis intervention, counseling, education and advocacy programs, the New Beginning Center provides a safe environment for women and children fleeing life-threatening situations. But the services they provide go well beyond shelter or legal services. The Center's staff and volunteers are responsible for rebuilding lives, restoring hope and opening up new opportunities for families under some of the most difficult and dangerous circumstances imaginable.

I recently had the opportunity to tour the New Beginning Center to learn more about the important service they provide to our community. I was touched by the stories I heard from the staff and volunteers. During my visit I was able to see firsthand how we can pull together to help end the scourge of domestic abuse.

With the help of HomeAid Dallas and Beazer Homes, the New Beginning Center's new 1,300 square foot Shelter Service Building will expand the center's capacity by 38 percent so they can provide safety to more families.

Mr. Speaker, today I congratulate the New Beginning Center, HomeAid Dallas, Beazer Homes, and the 31 other local sponsors who made the beginning of this new facility possible. I thank the hard working staff and volunteers there. Most importantly, I applaud the Center's efforts to put and end to domestic violence in our community.

A TRIBUTE TO AMBASSADOR RICHARD SCHIFTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Ambassador Richard Schifter, one of America's finest champions of international justice and global cooperation. Ambassador Schifter celebrated his 80th birthday on July 31st, marking a milestone in a lifetime of distinguished public service.

Ambassador Schifter's passion for human rights bears deep roots, as it reflects his personal experience with totalitarianism and bigotry. Dick's childhood in Vienna was rudely interrupted by the Nazi take-over of Austria in 1938. A Jewish Austrian, his life was in peril before his 15th birthday. Dick was able to escape to the United States that December; his parents, however, were not then eligible for immigrant visas, and they were forced to remain in Vienna. They were later murdered in

the Maidanek death camp along with dozens of Schifter family members.

Ambassador Schifter arrived in our great country alone, a young man barely in his teens in a totally unfamiliar land. Yet, in the finest American tradition, Dick built his life anew. He graduated summa cum laude from the College of the City of New York and Yale Law School, served in the U.S. Army in Europe during World War II, and embarked on a highly successful legal career. Dick and his charming wife, Lilo, started a family that now includes 5 children, 5 children-in-law, 9 grandchildren, and 1 grandchild-in-law.

Mr. Speaker, while the young Ambassador Schifter had a great number of professional and personal obligations, he never neglected his responsibilities to his Maryland community. Dick served for twenty years on the Maryland State Board of Education, and he chaired both the Governor's Commission on Funding the Education of Handicapped Children and the Governor's Commission on Values Education. He stood up for his progressive convictions as the Chairman of the Montgomery County (MD) Democratic Committee. As President of the Washington, DC, chapter of the American Jewish Committee, he fought to ensure that the fate of his family in Austria would never be repeated.

When Ambassador Schifter retired from his legal career during the early 1980's, he devoted himself to public service on a full-time basis. Dick's passion, energy, and undeniable brilliance proved invaluable in a wide array of positions. He represented his country as U.S. Representative to the United Nations Human Rights Commission (1983–1986, 1993), Deputy U.S. Representative in the United Nations Security Council (1984–1985), Assistant Secretary of State for Human Rights and Humanitarian Affairs (1985–1992), Special Assistant to the President and Counselor to the National Security Council (1993–1997), Special Advisor to the Secretary of State (1997–2001), and in numerous other important roles. Dick served Presidents from both political parties, reflecting his commitment to a bipartisan foreign policy as well as his clear and unambiguous passion for advancing human rights and American values around the world.

Ambassador Schifter's service as Special Advisor to the Secretary of State for the Southeast European Cooperative Initiative (SECI) bears particular significance. SECI's principal goal—to enhance regional cooperation among the countries of Southeastern Europe by encouraging joint and cooperative solutions to shared economic and environmental problems—could not have had a more principled champion than Dick Schifter. His agile mind and diplomatic skills added immeasurably to the progress of former Communist nations transitioning to democratic, free market structures. The success of this evolution added strength and stability to America's transatlantic partnerships.

Leaders from around the world have recognized Ambassador Schifter's record of achievement. He is a recipient of the Secretary of State's Distinguished Service Award, Austria's Golden Honor Insignia with Star, the Order of Commander of Romania's Star, and Bulgaria's Order of Stara Planina, First Class.

Mr. Speaker, Richard Schifter is a genuine example of the American Dream, and he has devoted his life to extending its values to every corner of the world. He is an idealist and an optimist. Four years ago, at a conference in the Bulgarian capital of Sofia, he concluded a speech by quoting the unforgettable words of President Franklin D. Roosevelt: ''The only limit of our realization of tomorrow will be our doubts of today.'' Indeed, few public servants have done as much to build a global future of peace, prosperity, and morality. I am honored to be Ambassador Schifter's friend, and I urge my colleagues to join me in recognizing his tremendous service.

HONORING MORRILL ELEMENTARY AND RAYBURN ELEMENTARY FOR BEING RECOGNIZED AS BLUE RIBBON SCHOOLS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RODRIGUEZ. Mr. Speaker, it is always an honor to recognize our public schools and their wonderful accomplishments. Today, I rise to honor two schools from the 28th Congressional District of Texas, Morrill Elementary and Rayburn Elementary, for being selected as 2002–2003 National Blue Ribbon Schools. These two schools are among an elite number of elementary and secondary schools recognized this year by the United States Department of Education for their success in educating our next generation of leaders.

Morrill and Rayburn Elementary Schools, both in San Antonio, join only 325 Texas schools that have received Blue Ribbon status since 1982. I am proud to have them in my Congressional District, as they reflect the South San Antonio working family community. They are proof that tight knit communities such as ours can foster quality institutions. In addition, they realize it is important to involve parents in the education process. Through their parent/teacher programs, they bring closer the relationship between the home and the school so parents may cooperate intelligently in the education of our children.

I would like to recognize Principal Linda Aleman of Morrill Elementary and Principal Shannon Allen of Rayburn Elementary for their leadership and commitment to making their respective schools exemplary. They both recognize that our children are America's most valuable resource and, as such, their education is of the utmost importance.

Most importantly, I would like to recognize the students of these two schools who have persevered to obtain success. Many of them have had to overcome various obstacles in the course of their educational career. I am proud of their efforts and I know they will continue to succeed in their future endeavors, including the lifelong pursuit of education.

Congratulations to the Morrill Elementary and Rayburn Elementary communities for achieving the coveted Blue Ribbon Award.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, because of a family medical emergency, I was unable to be present for this week's votes on H.R. 2989. Had I been present, I would have voted for its passage.

I did have a number of concerns about the bill, and about the process under which it has been considered. In particular, I was very disappointed that the Republican leadership refused to allow the House to consider an amendment to suspend the cost-of-living increase for Members of Congress. I thought the House should have the chance to vote on that question, especially now when the unemployment rate is so high and the federal budget deficit is so large.

Overall, however, I think the bill's good provisions outweigh its flaws.

The bill includes substantial funding for a number of transportation projects in Colorado, including ongoing work to upgrade highways in the Denver metropolitan area and other parts of our state.

I strongly support these provisions, which will help Colorado address some of its most pressing transportation needs and will also help our state's economy not only by a shortterm stimulus of jobs and purchases of supplies but also by infrastructure improvements that will yield big dividends in the years ahead. I commend Chairman ISTOOK, Ranking Member OLVER, and the other members of the appropriations committee for including these items in the bill.

Another reason I support the bill is because it also provides for other forms of transportation such as rail and buses. Highways are important, but highways alone do not constitute a sound or balanced transportation system, in Colorado or anywhere else. That is why I favor continued support for Amtrak's service to our state and other parts of the Nation and why I also support having a portion of federal transportation funding go for such ''enhancements'' as pedestrian, bike, and trail facilities.

In addition, the bill provides essential funding for other Transportation Department purposes as well as for the Treasury Department, the Executive Office of the President, and other important parts of the federal government.

Among other things, it includes funds for continued implementation of the Help America Vote Act. I strongly supported enactment of that measure, and am glad that the bill includes provisions that will allow the General Services Administration to distribute grants under that Act if the new Federal Election Assistance Commission—which is supposed to perform that function—is not in operation by the start of the next fiscal year.

The bill also includes funds for the Scholarship and Excellence in National Environmental Policy Trust Fund and for the United States Institute for Environmental Conflict Resolution. These are the accounts associated with the Morris K. Udall Foundation, and I am sure our colleagues understand why I have a particular

interest in them and why I want to extend my thanks to the Members of the Appropriations Committee for their support for these programs.

JOAN HOLMES, PRESIDENT OF THE HUNGER PROJECT, BRIEFS THE WOMEN'S CAUCUS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, earlier today the Women's Caucus received an outstanding briefing from Joan Holmes, the President of the Hunger Project. The focus of her briefing was to help us understand the essential and often overlooked role that women play in ending hunger around the world.

As we look towards the real needs that people face, it is vital that programs we fund through the instrumentalities of the Departments of Agriculture and State, as well as the Agency for International Development, I encourage all of our colleagues to take the time to read this most helpful presentation. The Hunger Project works to empower women in many countries around the world, and in my view is deserving of our support and understanding.

I ask unanimous consent to insert in the RECORD at this point the statement by Joan Holmes, entitled ''Women and Ending Hunger: The Inextricable Link''.

WOMEN AND ENDING HUNGER: THE INEXTRICABLE LINK

(By Joan Holmes)

INTRODUCTION

Madame Chairperson and Distinguished Members of Congress, it is an honor to testify before the Women's Caucus today. I commend the Caucus for focusing on the inextricable link between women and ending hunger.

My name is Joan Holmes, and it's been my privilege to be the president of The Hunger Project since its inception in 1977.

In my testimony I will address:

First, Chronic Hunger and who is most affected;

Then, the three distinct ways women are essential to ending hunger and achieving sustainable development;

Next, what happens to a society when women are empowered; and

Finally, where the world is now—in recognizing the vital role of women.

AN UNDERSTANDING OF CHRONIC HUNGER

Chronic hunger continues to be the greatest failure of our age. It takes the lives of 20,000 of us each day. Eight hundred and forty million of us are chronically undernourished. The largest number of hungry people are in South Asia, but the most severe hunger is in sub-Saharan Africa.

When most of us think of hunger, we think of famine—sudden shortages of food due to war, drought or natural disasters. Less than 8% of hunger deaths are due to famine—the rest are due to chronic hunger.

The persistence of hunger is not an issue of the quantity of food. The world produces more than enough food for everyone. Hunger persists when people—particularly women—are systematically denied the opportunity to produce enough food—to be educated—to learn the skills to meet their basic needs. Hunger persists when the poor—mostly women—have no voice in the decisions that affect their lives.

WOMEN MOST AFFECTED BY HUNGER

When we speak of hungry people—we are literally speaking of women and children. The vast majority of the world's poor are women. The gap between women and men caught in the cycle of poverty has continued to widen in the past decade.

An estimated 80 percent of the world's refugees are women and girls. Two-thirds of the world's illiterates are female. Of the millions of children kept out of school—2/3 are girls.

WOMEN ARE AT THE CENTER OF THE DEVELOPMENT PROCESS

The fundamental thesis of my testimony is—women are at the center of the development process, and until and unless we make the empowerment of women a central strategy in ending hunger—hunger will persist. Until and unless we empower women, none of the UN Millennium Development Goals will be met.

My testimony today does not come from the perspective of empowering women to achieve gender equality as a matter of social justice—even though that has my unequivocal support.

The analysis I am presenting today comes from looking strategically at what needs to happen to end hunger and achieve sustainable development. In this analysis, I am going to use the phrase ''women's empowerment''. It is important that we know what that phrase means.

Although there is no country where there is gender equality, in the countries that have the persistence of hunger—the subjugation, marginalization and disempowerment of women is particularly severe.

So, when we say empowering women—what this means is to lift some of the shackles that constrict and suppress their lives.

THREE DISTINCT WAYS WOMEN ARE FUNDAMENTAL TO ENDING HUNGER

Let's examine three ways in which women are fundamental to the end of hunger:

First, the inextricable link between women's well-being and the overall health of a society.

Second, the enormous, yet largely unrecognized and unsupported role of women as producers.

Finally, women's leadership—a necessary component of ending hunger.

WOMEN'S WELL-BEING AND THE HEALTH OF A SOCIETY

Girls and women are deprived

With regard to women's well-being and the link to the health of a society, let's look to South Asia. India and Bangladesh account for more than 1/3 of the remaining hunger, and their malnutrition rates are among the highest in the world. One-third of all babies in Bangladesh and 1/4 of the babies in India are born underweight and malnourished. This compares to 12 percent in Africa.

The question is—Why are these rates so high in Bangladesh and India, countries which are food self-sufficient? In fact, India has more than 40 million tons of surplus food in storage.

Why are the rates of malnutrition higher in South Asia than in Africa, which we know is considerably less developed? In 1996, UNICEF commissioned a landmark study to answer that question. In a report called, ''The Asian Enigma'', they concluded, ''The exceptionally high rates of malnutrition in South Asia are rooted deep in the soil of inequality between men and women.''

Women eat last and least. They eat only the food that is left over after the males have eaten. Often men and boys consume twice as many calories—even though women and girls do much of the heavy work. Girls in India are four times more likely to suffer from acute malnutrition than boys.

When women and girls are deprived, society suffers

Next, let's examine the effects this deprivation has on society.

We've always been clear that the health of the mother is the single most important factor in determining the health of her child. New scientific data makes it clear that it is not just her health when she is pregnant, or even throughout her entire life, but going back to when she herself was in the womb. And so, let me describe for you the insidious ''cycle of malnutrition'' that persists in South Asia.

A baby girl in India and Bangladesh is born underweight and malnourished. She is nursed less and fed less nutritious food than her brother. She is often denied health care and education. She is forced to work even as a child. Her work burden increases significantly as she gets older—even when she is pregnant. She is married and pregnant when she is young, often just a teenager. She is underweight and malnourished when she gives birth to her children who are born underweight and malnourished. And the cycle continues.

Even in the Punjab, the region of India where the green revolution was most successful, this cycle and these high rates of malnutrition still persist.

New Research

It has been clear for some time that maternal deprivation and subsequent fetal deprivation cause children to be highly susceptible to infectious diseases like tuberculosis and malaria.

New research shows that maternal deprivation also makes the body susceptible to diseases we associate with affluence—hypertension, cardiovascular diseases, type 2 diabetes, among others. In the next 20 years, India will have the largest number of diabetic patients, and coronary heart disease will become the leading cause of mortality.

This new research underscores that what begins as the neglect and discrimination of women ends in causing adversity for the health and survival of all.

WOMEN AS PRODUCERS

Now as to the role of women as producers: just as we must learn to think ''women'' when we think ''hungry people''—we must think ''women'' when we think food producers in the developing world. And, I regret to say, we do not. Women have been largely bypassed by development assistance and programs focused on agriculture.

Rural women are responsible for half of the world's food production and produce 60 to 80 percent of the food in most developing countries.

In sub-Saharan Africa, women food farmers produce 80 percent of Africa's food, do the vast majority of the work to process, transport, store and market Africa's food, and they also provide 90 percent of the water, wood and fuel. Food processing alone creates a heavy work load for women. In parts of Africa, women spend four hours a day grinding grain.

They do all this, despite the fact that they own 1 percent of the land, receive less than 7 percent of farm extension services, and receive less than 10 percent of the credit given to small-scale farmers.

Effects of HIV/AIDS in Africa

If this reality weren't challenging enough, we must also recognize that the impact of HIV/AIDS on agricultural production and food security has been devastating. Families affected by HIV/AIDS see their food production cut by 40%.

This epidemic in Africa is spiraling out of control because men have multiple partners and unsafe sex, and women because of their

low status are kept uninformed about prevention and powerless to protect themselves. Twice as many young women as men are infected.

Bottom line—there is a direct correlation between women's low status, the violation of their human rights, and HIV transmission. In epidemiological terms, persuading 10 men with several partners to engage in safe sex has far greater impact than enabling one thousand women to protect themselves from their only partner. The 10 men are at the beginning of the chain of infection; the 1,000 women are its last link.

Violence against women impedes development

The other health hazard is violence against women. Violence against women continues to devastate millions of women worldwide, destroying families and impeding development.

In this new century—in the year 2003—it is sobering to acknowledge that many societies still find it acceptable and justifiable to beat—rape—stone—burn—disfigure and murder women. When one group of people in society is treated as inferior to another—the only way to keep that lie in place is by violence and the threat of violence.

Women's invisible work in the informal sector

The majority of women in the developing world work in agriculture. But a significant portion also work in the informal sector. Their work remains largely invisible in official statistics, because it takes place outside the formal economic structure.

Women work as—vendors, weavers, potters, handicraft workers, laundry workers, and manual laborers. Women may be poor, illiterate and undernourished, but they are economically active. They contribute significantly to the economy and society with their labor.

Let me give you a specific example of the importance of women's work—regardless of how invisible it is:

In India, young girls and women include in their daily work collecting and drying of cow dung which is used primarily as fuel in most of rural India where 75 percent of the population lives. Their work saves India at least $10.5 billion a year that would otherwise need to be spent on petroleum. It is estimated that, if the Indian women went on strike and no longer collected cow dung, India would be in an economic crisis in three weeks.

WOMEN'S LEADERSHIP

The third critical link—between women and ending hunger is women's leadership. In countries with the persistence of hunger, women bear full responsibility for the key issues in ending hunger: family health, nutrition, sanitation, education and increasingly—family income. Yet women are systematically denied the information, education and freedom of action they need to fulfill these responsibilities.

When women have more voice in decision making in the home, their families are healthier, better nourished and better educated. In Brazil, as well as other countries, research shows that income in the hands of mothers has four times the impact on child nutrition as the same income in the hands of fathers.

When women gain voice in decision making in their villages, they have the opportunity to alter the development agenda to address issues critical to meeting basic needs. They take action against dowry, domestic violence, child marriage and child labor. Women in positions of leadership begin to transform gender relations and to call into question the deeply entrenched patriarchal system. They help other women to know their rights.

In India and Bangladesh, there is now an extraordinary opportunity. New laws guarantee that ⅓ of all seats in elected local government are reserved for women. As a result, in the region of the world where women have been the most subjugated—more than 5 million women have engaged in the political process by standing for elections and 1 million women have become elected local leaders—more elected women than in all the other countries of the world combined.

I consider this transfer of power to these one million elected women—who themselves are often illiterate and malnourished—to be a potent and direct intervention in the persistence of hunger.

WHEN WOMEN ARE EMPOWERED—SOCIETY BENEFITS

Now let's examine what happens to a society when women are empowered. The evidence is overwhelming—women's empowerment has the most far-reaching effects on the lives of all—men, women and children. Let's examine some of this evidence:

A recent analysis of development by the World Bank indicates that countries with smaller gaps between women and men in areas such as education, employment and property rights have lower child malnutrition and mortality, they also have less corruption in governance and faster economic growth.

Cross-country studies report that if the Middle East, South Asia and Africa had been as successful as East Asia in narrowing the gender gap only in education, the Gross National Product (GNP) per capita in these regions would have grown by an additional 16 to 30 percent from 1960 to 1990.

In sub-Saharan Africa, if women farmers were given the same support as that given to men their yields could increase by more than 20 percent. And, it is now clear that women's empowerment is more influential than economic growth in moderating fertility rates, thereby slowing population growth.

Bottom line: women are at the center of the development process. When they are empowered these are the results: faster economic growth, less corruption in governance, lower childhood malnutrition, lower child mortality, increased agricultural production, more children in school, including girls, health hazards are reduced, and the overall health and wellbeing of a society is greatly improved.

THE GAP BETWEEN RECOGNITION OF WOMEN'S VITAL ROLE AND POLICIES, PROGRAMS AND ACTION

Even though the evidence is overwhelming and there is increasing recognition that women are the key to sustainable development—the gap between this recognition, and policies, programs, and action is enormous.

Now let's look at 3 examples:

First, the International Conference on Financing for Development—known as the Monterrey Summit. The Monterrey Summit did address issues like good governance, people-centered development, and global responsibility—but the vital role of women in achieving sustainable development was not recognized. The words ''gender sensitive'' made it into the final Monterrey Consensus document, but the four people who control the world's purse-strings—President Bush, the heads of the World Bank, IMF and the European Commission never once mentioned the vital role of women. In fact, the word ''woman'' was used only once among these four keynote speakers and that was in reference to micro credit.

Regarding the 2001 New Partnership for Africa's Development (NEPAD)—we need to know that this charter does not come close to recognizing that women are key to development. In fact, women are not adequately included in any section of its analytical framework or its plan of action.

Now let's look at the constitutional amendment which guarantees women ⅓ of the seats in local village councils in India. It was passed by one vote. The amendment continues to be under attack, and is in danger of being repealed.

RECOMMENDATIONS

Given that women are at the center of the development process:

1. I recommend that women be placed in high level decision-making positions in all international organizations.

2. All legislation—budget allocations—and programs related to development must specifically empower women as the key change agents to achieve sustainable development.

JOSEPH A. PICHLER HONORED BY HEBREW UNION COLLEGE JEWISH INSTITUTE OF RELIGION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Joseph A. Pichler, a constituent and friend, who will be honored by Hebrew Union College-Jewish Institute of Religion at its 21st Annual Cincinnati Associates Tribute Dinner on November 2, 2003. Joe will be honored for his exemplary civic and philanthropic leadership.

Joe is a member of the Corporate Council of Hebrew Union College-Jewish Institute of Religion. Founded in Cincinnati in 1875, the College-Institute is the oldest institution of higher Jewish education in the western hemisphere. The College-Institute prepares rabbis, cantors, religious school educators and Jewish communal workers at its four campuses in Cincinnati, New York, Los Angeles and Jerusalem. The College-Institute also awards Masters and Doctoral degrees to men and women of all faiths.

Joe brings leadership, hard work and energy to every assignment. Currently Chairman of the Board of the Kroger Company, he also served Kroger as Chief Executive Officer; President and Chief Operating Officer; and Executive Vice President. Joe joined Dillon Companies in 1980 as Executive Vice President and was elected to Kroger's Board of Directors when Dillon merged with Kroger in 1983. For fifteen years, he taught at the University of Kansas School of Business, and served as Dean from 1974 to 1980. From 1968 to 1970, he was Special Assistant to the U.S. Department of Labor's Assistant Secretary for Manpower. Joe is a member of the Board of Directors of Federated Department Stores, Inc., and Milacron, Inc.

In a career consistently marked by high points and achievements, Joe has pursued service to our community with equal enthusiasm. He is a member of the Board of Directors of the Cincinnati City Development Corporation; Member of the Board of Trustees of Xavier University; Member of the Advisory Board of the Cincinnati Chapter of the Salvation Army; CoChairman of the Greater Cincinnati Scholarship Association; and a Member of the Catholic Commission of Intellectual and Cultural Affairs. In 2000, he was presented with the Distinguished Service Citation by the National Conference for Community and Justice.

A magna cum laude graduate of Notre Dame University, Joe received an M.B.A. and Ph.D. from the University of Chicago. He and his wife, Susan—who is also a dedicated community volunteer—have four children.

All of us in Cincinnati congratulate Joe on receiving this prestigious award.

TRIBUTE TO KELLEY GREEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Frances M. ''Kelley'' Green, a citizen of Colorado, who dedicated her life to preserving and protecting Colorado's and the nation's environment and human rights. As a dedicated attorney, philanthropist and teacher, Kelley committed her life to social causes that improved the conditions of others and the greater community.

A native of Georgia, Kelley graduated from Wellesley College and received her law degree from George Washington University Law School. Following law school, she clerked for U.S. District Judge Frank M. Johnson, a key jurist in civil rights cases in the '50s and '60s. As a child of the '60s, Kelley's passions became the focal point for her life of public service, and her vision propelled forward two environmental organizations that will shape the lives of Colorado's citizens for decades to come.

Following law school and her judicial clerkship, Green practiced law at Wilmer, Cutler and Pickering in Washington, D.C. In 1976, she was tapped to serve as a member of President Carter's transition team and was appointed deputy assistant attorney general for the Carter Administration from 1977–1979.

Colorado was lucky to gain Kelley as a permanent resident in 1982, when she moved to Boulder to work for the National Wildlife Foundation at the University of Colorado. In 1989, while running her own private practice, Green founded the Land and Water Fund of the Rockies, an environmental law and advocacy organization, dedicated to developing solutions tailored to the unique environment of the interior American West. The group strives to consider the economic, environmental, and cultural implications of all its actions and now has more than 20 employees.

In 1999, Kelley's passion for the long term sustainability of the Rocky Mountain West inspired her to create Earth Walk, an environmental science-learning program. Geared to low-income inner city children, Earth Walk's goal is to increase 9 to 12 year olds awareness of the world around them and inspire them to become environmentalists. With after school programs in Northeast Denver and a summer camp in Utah, Earth Walk is achieving its mission.

Her personal philanthropy was demonstrated through the Green Fund, a private foundation supporting environmental projects, programs serving women and children and efforts to educate women in Afghanistan. She was also a distinguished board member of the Southern Poverty Law Center in Alabama.

Colorado and the Rocky Mountain West will miss Frances Kelley Green, an outstanding woman who inspired us all to be advocates for environmental justice, to be passionate about our lives and the world we live in, and to act with wisdom and compassion about the future of our fragile environment.

For the information of our colleagues, here is a copy of a news article on Kelly's passing:

[From the Denver Post, Sept. 9, 2003]

BOULDER LAWYER A TRUE FRIEND OF THE ENVIRONMENT

(By Claire Martin)

She was baptized Frances M. Green but was destined to be Kelley Green, an environmental lawyer and advocate and a philanthropist who made sure that her passion for the environment endured beyond her lifetime.

Kelley Green, 57, died of uterine cancer Aug. 25 in Boulder.

Green was 44 and a lawyer with a private practice in Boulder when, in 1989, she founded the Boulder-based Land and Water Fund, now known as Western Resource Advocates.

''As a lawyer, she handled these environmental cases, and there was a real absence then of competent environmental lawyers who were available to grassroots environmental organizations—not only in Colorado but throughout the interior West,'' said Bruce Driver, Western Resource Advocates' executive director.

Over the next 10 years, the organization became both a resource for budget-challenged environmental groups and an influential advocate of campaigns to protect natural environments in Colorado, New Mexico, Arizona, Utah, Nevada and Idaho.

''She was tenacious, very smart, and street-smart,'' Driver said. ''She was the kind of person who could sidle into a room and not say much for a while. But you could tell she'd been listening, because she'd come out and say something that kind of wrapped everything up in five sentences. She was very, very intelligent.''

Green graduated from Wellesley College and earned her law degree in 1972 from George Washington University Law School, where she was notes editor of the law review.

After graduating, she worked as a clerk for U.S. District Judge Frank M. Johnson, who made key decisions in civil-rights cases of the 1950s and '60s. She became a passionate advocate of civil rights and served on the board of the Southern Poverty Law Center in Montgomery, Ala.

She also was a member of the 1976 transition team for President Carter and served as a deputy associate attorney general in 1977–79.

She never married. She threw her energy into the work she saw as vocation and avocation. If she joined an organization as a volunteer, not much time passed before she was helping run things.

Green first came to the Satyana Institute, a nonprofit training and service organization in Boulder then known as Shavano, to volunteer twice a week to file, handle the accounting and other clerking tasks. She went on to become the first chairwoman of the organization's board of directors.

Green invested her own money, along with her time, in the causes she adopted. In 1997 she founded Denver-based Earth Walk, an environmental education program offered to urban fourth-, fifth- and sixth-grade students in classrooms and wilderness camps. After she died, friends and associates learned that she had also created The Green Fund, a private philanthropic foundation that she used to anonymously donate to environmental projects, women and children's organizations, and to the education of women in Afghanistan.

TRIBUTE TO BO DIDDLEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, in tribute to Bo Diddley, one of the true pioneers of rock and roll, who has influenced generations, I would like to submit the following excerpt from the article entitled ''Pioneer of a Beat Is Still Riffing for His Due'' written by Bernard Weinraub for the New York Times on February 16, 2003:

[From the New York Times, Feb. 16, 2003]

PIONEER OF A BEAT IS STILL RIFFING FOR HIS DUE

(By Bernard Weinraub)

Every morning at 4 a.m., Bo Diddley walks into a ramshackle studio on his 76-acre property outside Gainesville to write music. Several electric guitars are scattered on the floor. The studio, a double-wide trailer, is crammed with recording equipment, a synthesizer and electronic gadgets of obscure types. Piled in every corner are boxes of tapes of Bo Diddley songs never released.

Mr. Diddley, 74, sat forward on a hard chair and lifted a blond-finished guitar, made for him by a music store in Gainesville. His enormous fingers, wrinkled and strong, grazed the strings. Hooked into an electronic gadget, the strums became the sounds of a small orchestra: strings, chimes, a brassy horn, an organ and a gospel piano, providing a thumping echo of Bo Diddley songs.

''I'm still jumping, doing all right,'' he said, grinning. ''I'm just trying to figure out how to stay in the game. America will drop you like a hot potato, I don't care how big you are. You're big one day and the next day, right away, you're a has-been. Just trying to figure it all out. Maybe I just began.''

Bo Diddley is a musical pioneer who has influenced generations of rockers, and with electrifying stars like Chuck Berry and Little Richard, he reshaped popular music half a century ago. But despite helping build rock's rhythmic foundations, he has never enjoyed quite the success and recognition of his two contemporaries. Last May all three received the first Broadcast Music Inc. (BMI) Icon Awards as founders of rock 'n' roll. But as a patriarch, Mr. Diddley rivals and in some ways surpasses his two contemporaries.

Performers as diverse as Elvis Presley, Buddy Holly, Jimi Hendrix, Mick Jagger and Bruce Springsteen have been inspired by the syncopated Bo Diddley beat—bomp ba-bomp bomp, bomp bomp—which has been traced to myriad sources, including the drumbeats of the Yoruba and Kongo cultures. At the Beatles' first American news conference in 1964, a reporter asked John Lennon, ''What are you most looking forward to seeing here in America, John?'' He replied, ''Bo Diddley.''

Mr. Diddley's uses of the electric guitar, creating special effects like reverb, tremolo and distortion, influenced funk bands in the 1960's and heavy metal groups in the 1970's. His strutting and powerful presence onstage, his sly, wisecracking songs (''Hey, Bo Diddley''), his cocky attitude, jive dialogue, lyrics of sexual prowess (''I'm a Man'') and ritualized bragging predate rap, which sometimes disgusts him with its language.

''I opened the door for a lot of people, and they just ran through and left me holding the knob,'' he said with pride and anger.

Mr. Diddley is still struggling, still creating, still reinventing his career, even though he released few albums in the 1980's and 1990's. ''Every weekend I'm booked somewhere, someplace,'' he said. ''You got to

change, you got to roll with the punches and come up with something new.''

Mr. Diddley is hardly shy about proclaiming his importance. ''Have I been recognized? No, no, no. Not like I should have been,'' he said. ''Have I been ripped off? Have I seen royalty checks? You bet I've been ripped off.''

Mr. Diddley's sense of grievance is justified. Like many other musicians of the 1950's, 60's and earlier, white and black, he was exploited by record companies who took care of car payments and home bills but never provided an accounting of record sales. Beyond this, his stature and impact as a composer, arranger, performer, singer and even humorist have been overlooked.

Praise From His Peers

''Still the most underrated rock 'n' roller of the century,'' Phil Everly of the Everly Brothers once said.

Robert Santelli, chief executive of the Seattle-based Experience Music Project, the interactive music museum, concurred. ''Bo is the most misunderstood and the least appreciated pioneer of rock 'n' roll,'' he said. ''That beat—that signature Bo Diddley beat—is essential to the rhythm of rock 'n' roll.''

Mr. Santelli, a former official at the Rock 'n' Roll Hall of Fame in Cleveland, can find it in every tributary of rock. ''You hear it from Springsteen on down—you hear it in the Rolling Stones, the Who, the Yardbirds and those first-generation British bands,'' he said. ''They were trying to find a balance between black blues and rhythm-and-blues and rock 'n' roll, and Bo Diddley was the living embodiment of that balance.''

Joe Levy, the music editor of Rolling Stone, says he is undervalued in another way. ''He's still out there, still making music,'' he said. ''Here's this guy who made great records and could still make great records if he was given the chance.''

Why Mr. Diddley has never quite succeeded on the level of Mr. Berry or Little Richard is in large measure a consequence of the racial thicket that black Rock 'n' roll performers traversed in the 50's and 60's to gain acceptance by a broad white audience.

Mr. Diddley still speaks of what he calls the most humiliating moment of his life. In 1959, the singer recalled, he and some of his band members, who were black, began swimming in a pool on a scorching day at the Showboat Casino in Las Vegas. As soon as the band members jumped into the pool, the white families in it climbed out. A pool attendant put up a sign that said ''contaminated water,'' he recalled.

Mr. Berry achieved enduring success partly because adolescent white audiences found his buoyant, somewhat naughty enthusiasm as appealing as black teenagers did. Similarly, Little Richard, in contrast to Mr. Diddley, went out of his way to appeal to white audiences. But even though his original lyrics to ''Tutti-Frutti'' were bluntly sexual, his silver-lame suits, pancake makeup, thick eyeshadow and high, slick processed pompadour gave him a high-camp sexual ambiguity that rendered him unthreatening to white teenagers and parents.

Bo Diddley never quite conquered the racial divide. As George R. White, author of ''Bo Diddley: Living Legend'' wrote: ''Diddley remained firmly rooted in the ghetto. Both his music and his image were too loud, too raunchy, too black ever to cross over.'' His records were frequently played on jukeboxes and at dances but far less on the radio. Television appearances were rare. There were no movie offers.

Mr. Diddley was often uncompromising. In his dressing room before a 1955 appearance on ''The Ed Sullivan Show,'' on which he was set to sing ''Bo Diddley,'' Mr. Diddley said that the show's producers asked him to sing Tennessee Ernie Ford's ''Sixteen Tons,'' then a huge hit. Mr. Diddley claimed not to know it, so cue cards were quickly written. Mr. Diddley said he thought he was now to perform two songs, not one, and he began with ''Bo Diddley.'' Later he drawled, ''Man, maybe that was 'Sixteen Tons' on those cards, but all I saw was 'Bo Diddley.'" Sullivan was enraged, Mr. Diddley recalled.

''He says to me, 'You're the first black boy'—that's a quote—'that ever double-crossed me,'" Mr. Diddley recalled. ''I was ready to fight. I was a dude from the streets of Chicago, and him calling me a black boy was as bad as him saying 'nigger.' They pulled me away from him because I was ready to fall on the dude.'' He said Mr. Sullivan told him that he would never work in television again. ''I was scared,'' Mr. Diddley acknowledged.

The final insult, he said, was that he was told to return his $750 fee for the show.

In fact, Mr. Diddley's next television appearance was seven years later on ''The Clay Cole Show'' on WPIX–TV in New York. He didn't appear again on a network show for a decade, until he performed on ''Shindig'' on ABC in 1965.

Mr. Diddley was named Otha Ellas Bates at birth on Dec. 30, 1928, in McComb in southwestern Mississippi, a violent civil rights battleground in the 1950's and 60's. His mother, Ethel Wilson, was 15 or 16; he never knew his father, Eugene Bates. His family were sharecroppers; he was raised by his mother's first cousin, Gussie McDaniel. ''In fact, Momma Gussie raised my Momma,'' he said.

The death of Mrs. McDaniel's husband, Robert, in 1934 and the harshness of the Depression-era rural South led the family to Chicago, where they had relatives.

In Chicago, destination for so many other Southern blacks, the family changed the boy's name to Ellas Bates McDaniel. Mr. Diddley said he thought Chicago schools wouldn't accept him unless Mrs. McDaniel was seen as his legal guardian.

Ellas soon showed an an aptitude for music. At 8 he saw a boy playing violin and asked Mrs. McDaniel to buy one. The family was on relief. So their church, the Ebenezer Missionary Baptist Church on the South Side, began a collection, bought him a violin and paid for lessons—50 cents each—by a classical teacher, O. W. Frederick. Bo played classical music until he was 15, when he broke a finger. (He can no longer play the violin because his fingers are too thick, the result in part of a short teenage career as an amateur boxer.)

But more important, the music of the South Side was the blues, thanks to Muddy Waters and many others who had also moved to Chicago from Mississippi.

His First Guitar

Mr. Diddley began playing the drums but yearned to play guitar and sing like his idol, the Mississippi-born John Lee Hooker. Mr. Diddley's stepsister, Lucille, gave him a guitar for Christmas in 1940, when he was about to turn 12.

Bo taught himself to play, experimenting and duplicating the sound of his bow on the violin by rapidly flicking his pick across the guitar strings. (He also played trombone and the drums in the church band.)

He did not treat the guitar gently. ''I couldn't play like everyone else,'' he said. ''Guitarists have skinny fingers. I didn't. Look at these. I got meat hooks. Size 12 glove.'' He came to approach the guitar as if it were a drum set, thrusting the music forward. ''I play drum licks on the guitar,'' he said. The result was an unusual sound—later played on his hand-built, exotically shaped guitars—that evolved into a distinctive backbeat, described by music historians as the meter of ''shave-and-a-haircut, two bits.'' In the background he added maracas, which he built from toilet-tank floats, giving the music a Latin texture, and he gave more rhythm to the drum beat. The lyrics were often delivered staccato, adding to the pounding rhythm.

The Bo Diddley beat can be traced to West Africa via Cuba. It is also firmly rooted in African-American culture. In rural Mississippi and elsewhere in the South, slaves were denied access to traditional drums because slaveholders feared they could be used for communication. So they patted out rhythm on their bodies. This became ''Hambone,'' an African-American musical tradition of stomping and slapping once used by shoeshine men and still affecting tap dance, cheerleading and a host of other disparate pursuits. At the same time, the guitar beat in the rural fields of the South was a common rhythm played by children on homemade single-string instruments rooted in Africa called diddley bows.

And that, of course, was how Bo Diddley got his name.

XEMA JACOBSON—2003 JOHNS LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. FILNER. Mr. Speaker, I rise to salute Xema Jacobson on receiving the 2003 Johns ''Labor Leader of the Year'' Award in recognition of her outstanding contributions to the working men and women of our community.

Xema is a native San Diegan, a graduate of Patrick Henry High School and San Diego State University, where she earned a Bachelor's Degree in Political Science. After graduating from college, she went to work for Congressman Jim Bates, where she served as a Casework Supervisor and Field Representative in his Chula Vista District office.

In 1990, Xema became actively involved in the Labor Movement when the San Diego County Building and Construction Trades Council hired her as its Director of the Public Works Task Force. In this role, she worked with the affiliated building and construction trade unions monitoring public works projects in San Diego County for compliance with relevant labor laws. In addition, she was responsible for filing complaints for violations, contracting Awarding Agencies regarding the public contracting process and representing the Council on issues involving public works within the County.

In 1993, the International Brotherhood of Electrical Workers Local 569, Laborers Local 89 and Sheet Metal Workers Local 206 hired Xema to monitor public works projects on their behalf. She has spent seven years monitoring public works projects throughout San Diego and Imperial Counties and working with the San Diego-Imperial Counties Labor Council in creating the Labor to Neighbor political education program.

From 2000–2003, Xema served as Business Manager of the San Diego County Building Trades Council, serving as the only female Business Manager in the nation. Representing 24 affiliated building and construction trade unions throughout the county, she administered the building trade agreements at San

Onofre Nuclear Generating Station, the Padres Ballpark, the Olivenhein Dam and the Otay Mesa Generating Facility. She was also the Chairman of the Board of the National City Parks Apartments; a 150–unit non-profit apartment community for low-income residents built owned and operated by the Building Trades. In addition, Xema was elected 2nd Vice President of the San Diego-Imperial Counties Labor Council and served on its Executive Board from 2000 to January 2003.

In December 2002, Xema was appointed by Governor Gray Davis to serve a four-year term as a member of the Executive Committee for the San Diego County Regional Airport Authority. The newly created Airport Authority oversees the operations of the San Diego International Airport. The Executive Committee is charged with hiring key Airport Authority personnel and, along with the full Board, recommending an airport site to County voters.

Xema has been active in Democratic politics, serving as Assemblyman and Senator Steve Peace's appointee to the State Democratic Party from 1990 to 2000. She also served one term on the State Democratic Party Executive Board, working on the party platform committee.

In her community, she serves on the Board of Directors of the United Way of San Diego, the Holiday Bowl Committee, and is a member of the Stan Foster Construction Tech Academy at Kearny High School Advisory Committee. She has previously served as President of the Board of the San Diego Food Bank and as the first woman President of the Kiwanis Club of Chula Vista.

Xema makes her home in Casa de Oro in eastern San Diego County with her husband, Johnny Simpson and their children, Alexandra and Cody.

Xema Jacobson exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to her on her recognition as the 2003 ''Labor Leader of the Year Award.''

HONORING TOM BAKER OF BASALT, CO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of Mr. Tom Baker, the Town Manager of Basalt, CO. Mr. Baker is the recipient of the University of Colorado's Leo. C. Riethmayer award for the ''outstanding public administrator of 2003''.

Mr. Baker has proven his dedication to the Roaring Fork Valley since 1983, having held a variety of local government positions during his residency. In particular his tenure as Town Manager has provided him with the authority to restructure Basalt's local government process by downplaying the role of elected officials in the town's decisionmaking processes, which has successfully promoted increased citizen involvement.

Specifically, Mr. Baker has created citizen committees, in which ten percent of Basalt's residents participate, to ensure broad constituent involvement in the decisions of the town government. The utilization of these committees has enabled the town to avoid failures that are often associated with uninformed policy decisions. The dedication, vision, and selflessness with which Mr. Baker has pursued his work deserves our most sincere thanks. Thus, I ask that my colleagues join with me in thanking Tom Baker for his service and many contributions to his community. He is much appreciated.

For further information on our colleague, I am attaching a copy of a recent story about Mr. Baker that appeared in The Aspen Times newspaper on July 25, 2003.

BAKER NAMED ''OUTSTANDING'' TOWN MANAGER

(By Scott Condon)

Basalt Town Manager Tom Baker has received a top honor in Colorado as the ''outstanding public administrator of 2003.''

The Colorado Chapter of Pi Alpha Alpha and the Graduate School of Public Affairs at the University of Colorado, Denver, selected Baker as the winner of the Leo C. Riethmayer award. It is given annually in Riethmayer's memory as the founding father of public affairs studies at CU.

While Baker was honored to receive the recognition, he was characteristically humble about his role in earning it.

''To be singled out for recognition is almost uncomfortable,'' he said. ''The whole community is really being acknowledged.''

Baker was a finalist for the award last year, when his nomination was coordinated by Basalt Town Councilwoman Jacque Whitsitt. The selection committee contacted Basalt Mayor Rick Stevens this year and urged him to re-nominate Baker because he was such a strong candidate.

Baker has drawn accolades for helping create a ''horizontal, informal'' type of governing in Basalt that downplays the role of the elected officials as decisionmakers and promotes citizen involvement.

Town officials estimated 10 percent of Basalt residents, roughly 220 people, are working directly with the town government on one of many citizen committees. There are currently 14 citizen committees working on issues ranging from the water rate structure, to how property along the Roaring Fork and Fryingpan rivers should be developed.

The idea of drawing so much community participation is to empower individuals in the decisionmaking process, Baker said. It is meant to avoid the ''us versus them'' trap politics often falls into when a handful of elected officials make decisions in a vacuum.

Baker was hired as the town manager in late 1998, and from the start he nurtured the idea of the town building ''social capital.'' Instead of just reviewing land-use applications, the Town Council and town staff work to strengthen civic organizations and causes, both permanent and ad hoc.

Baker received his Bachelor of Science degree in City and Regional Planning from the Illinois Institute of Technology, and his Master of Public Administration from CU Denver.

He has been a resident of the Roaring Fork Valley since 1983 and has held a variety of local government positions, including Aspen Assistant City Manager, Executive Director of the Aspen/Pitkin County Housing Authority, and Assistant Planning Director for Aspen and Pitkin County. He received the Leadership Aspen Alumni Award in 2001 and serves on The Aspen Institute's Community Forum Board. He is an accomplished facilitator and serves as an advisor to the Institute of Social Ecology and Public Policy at Monterey, California.

The official presentation and celebration of the Riethmayer Award will take place on Tuesday, August 12, in Basalt. This event usually happens on the Front Range, but this year the Pi Alpha Alpha Colorado chapter board members will come to Basalt to honor Baker in his hometown.

HISPANIC HERITAGE MONTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which runs through October 15, 2003. In our district across Northern Ohio, the community has organized events to honor our fellow citizens with Hispanic heritage. In our communities, Hispanic citizens have long made lasting contributions to all aspects of civic life, including business, education, religion, labor, and politics.

Ohio's ninth district Hispanic community is comprised of a large and vibrant Mexican American community, a spirited Puerto Rican community and many other countries in Central and South America and the Caribbean whose ancestry is represented. We celebrate many important holidays such as Dia de los Muertos and Puerto Rico's Independence, musical and artistic celebrations such as LatinoFest and support the existence of organizations such as Latins United, Club Taino and many others.

Congress first resolved the celebration of Hispanic heritage through Public Law 90–498 in 1968. At that time the President was asked to issue annually a proclamation designating the week including September 15–16 as National Hispanic Heritage Week and calling upon the people of the United States, especially the educational community, to observe the week with appropriate ceremonies.

It was not until 1988, however, that the Congress drafted and approved a joint resolution to approve a month-long commemoration.

Hispanic Heritage Month affords us a special opportunity to celebrate the contributions of Hispanic Americans, now 38 million strong and the nation's largest minority group. It gives us the opportunity to thank them for enriching the quality of life in America. It gives us the opportunity to learn more about Hispanic Americans and their lives in America. It gives us an opportunity to pause and take note that no fewer than 40 Hispanic Americans have been awarded the Medal of Honor, our nation's highest honor for valor in action. It gives us an opportunity to reflect on the commitment to social justice exemplified by such leaders as Cesar Chavez and Dolores Huerta. It gives us an opportunity to resolve to fulfill the dream of ''si se puede'' of eradicating poverty and injustice and ensuring that all Hispanic Americans enjoy a full stakehold in American society of the 21st Century.

So, during this Hispanic Heritage Week, while we celebrate so many extraordinary achievements, we are also mindful of the challenges ahead and the bright future for Hispanic Americans in our changing American culture.

TRIBUTE TO ALEX MACHASKEE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Alex Machaskee, President, Publisher and Chief Executive Officer of The Plain Dealer in Cleveland, Ohio. Alex will be honored as the International Business Executive of the Year by the World Trade Center Cleveland on September 18, 2003. This award recognizes leading Northeast Ohio business executives for achievements in international business.

Alex was born in Warren, Ohio. He is a graduate of Cleveland State University with a bachelor's degree in marketing. He joined The Plain Dealer in 1960. Before being named Publisher in 1990, he served five years as Vice President and General Manger. He also served as Director of Labor Relations and Personnel, Assistant to the Publisher and Promotion Director.

In addition to his service at The Plain Dealer, Alex has been active with a number of local and national organizations. He is Chairman of the Board of United Way Services, and served as Chairman of the United Way Campaign from 2000 to 2001. He is past Chairman and a member of the Greater Cleveland Roundtable, an organization of community leaders that works to promote racial amity and diversity. Alex also is Vice President of the Musical Arts Association (the Cleveland Orchestra), serves on the Board Governance and the Finance and Administration Committees of the Cleveland Foundation and is a member of the Museum Council of the Cleveland Museum of Art. Nationally, he is a member of the Labor Relations Subcommittee of the Newspaper Association of America and a member of the American Society of Newspaper Editors.

Alex's success has not gone unnoticed. He was awarded the honorary degree of Doctor of Humane Letters from Cleveland State University in 1995 and from the University of Akron in 1998. He also was inducted into the Northeast Ohio Business Hall of Fame in 2001.

Mr. Speaker, Alex's leadership has been integral to promoting the economy of Northeast Ohio, and I hope my colleagues will join me in recognizing his accomplishments as he is honored as the International Business Executive of the Year. All of us in Southwest Ohio, the area I represent, congratulate him for his outstanding service, including his commitment to our friends in Northeast Ohio.

HONORING THE 112TH ANNIVERSARY OF THE OXFORD HOTEL OF DENVER, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker I rise today to commemorate the 112th Anniversary of the Oxford Hotel in Denver, Colorado.

Mr. Speaker, 1891 was a tremendous year. Fueled by the Silver Rush, it was a time of great promise for the fledgling State of Colorado, and in September of that year, the Oxford Hotel opened its doors for the first time. With its beautiful artwork and antique furniture, the Oxford offered its patrons class and luxury in the heart of the American Frontier. It provided its patrons with world-class dining facilities. The Oxford also was one of the first hotels in the West to have an elevator.

Located in the historic Lower Downtown district of Denver, the Oxford is only a walk away from the city's most cherished landmarks: The Denver Mint, the State Capital, Larimer Square, and the Denver Center for the Performing Arts, just to name a few. It's history and location helped build the Oxford's reputation as a cultural beacon in Colorado. This was reinforced in the 1960's and 70's when the hotel became renowned for as a jazz center.

For years I have had the privilege of knowing the owners of the Oxford Hotel: Walter and Christie Eisenberg and Dana Crawford. And I must commend them for their fabulous preservation of the Oxford as a piece of Colorado history and for maintaining its reputation as one of the West's best hotels.

The Oxford has seen a city, a state, and indeed a whole region grow around it in its 112 years. Even though the country around the Oxford has changed dramatically, the hotel has not. This wonderful hotel remains a unique visiting experience for its patrons. It still provides world-class services to all who stay there. And it is, and shall be, one of Colorado's most cherished landmarks for as long as it stands.

Mr. Speaker, I encourage my colleagues to join me and show support for the Oxford Hotel and its 112 years of greatness.

INTRODUCTION OF A RESOLUTION URGING OBSERVANCE OF GLOBAL FAMILY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, I am pleased today to introduce the Global Family Day Resolution.

For several years leading up to the turn of the new millennium, a small group of children and mothers patiently petitioned the Congress and the United Nations, asking that a special day of peace and sharing be established and celebrated on January 1, 2000—a day without violence, a day when citizens and nations would lay down their arms and extend their hands in friendship and caring for all the peoples of the earth. This would be a day when all people regardless of race, culture, religion or economic status might celebrate life on earth together.

''One Day in Peace January 1, 2000'' as designated by the United Nations General Assembly, and supported by a thousand organizations, a hundred governments, and twenty-five U.S. governors, did indeed become a day of peace, a twenty-four hour period in which violence was rare and kindness and cooperation commonplace.

Despite the very real dangers of riot, terrorism, out-of-control celebrants, and panic over expected failure of computer systems worldwide, through cooperation and responsible actions by nearly every nation and literally billions of individuals, the first day of the 2000's also became the world's first deliberate day of peace.

Noting that rare accomplishment, in 2000, the 106th Congress unanimously recommended that every year begin with a day of peace and sharing, and asked that the President annually lead in promoting its observance.

Late in 2001, the United Nations General Assembly also recommended that all member nations and all the peoples of the world join in its commemoration.

Following the tragedy of 9/11, Congressional leaders joined me in requesting that the President issue his annual proclamation early that year, in order that Americans and others around the world could prepare, with food drives and pledges of nonviolence, for a celebration intended to help reduce both hate and hunger, locally and globally. However, citing the ongoing conflict in Afghanistan at the time, the White House declined.

At this time of intense international tensions, a time when Americans' true motives are misunderstood around the world and escalating conflicts threaten, we again implore the President to take a leadership position in the promulgation of One Day in Peace, now to be known as Global Family Day.

For as long as half of our human family must live on less than two dollars a day, as long as innocent civilians are dying in Iraq and disease devastates Africa, as long as children are starving in North Korea or go hungry in American schools, we know there is room for improvement in our global family values. And that is what Global Family Day was created to do.

I ask all members to join me in supporting this cause.

CHARLES R. FOUQUETTE—2003 JOHNS FELLOWSHIP AWARD WINNER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. FILNER. Mr. Speaker, I rise to salute Charles R. Fouquette on receiving the 2003 Johns ''Fellowship Award'' in recognition of his outstanding contributions to the working men and women of our community.

Charley is a 10th generation Californian who was born and raised in the San Diego area. After high school, Charley went to work for the Santee Water District, beginning as an installer then serving as an equipment operator, running bulldozers, loaders and graders, and building Santee Lakes 2 through 6.

In 1965, Charley took a job as a labor foreman for a union company, building tilt-up and lift-slab buildings for the Navy at Camp Pendleton. When the job was completed, he worked with a number of ironworkers on a job in Port Hueneme, California. Charley admired these ironworkers strong work ethic and dedication to delivering the best possible product for the contractor and themselves. He went to work for Rawlins Steel, a Local 416 company. While at Rawlins, he worked on projects in Tehachapi, along the coast from Santa Barbara down to Malibu, and on the offshore islands.

He returned to San Diego in 1967, and for the next dozen years worked as an ironworker

for Brawley Steel, Wilson Steel, Bechtel Power Corp., and finally Saafco Inc. In addition, he taught the Local 229 Ironworkers Apprenticeship Classes for 18 years, and served as Local 229 Trustee, Executive Board Member, JATC Committee Chairman, Vice President, President and Business Representative. He was the Building and Construction Trades Delegate for 16 years and the San Diego and Imperial Labor Council Delegate for 12 years. For 18 years, he was one of three delegates from Local 229 to the District Council of Iron Workers of the State of California and Vicinity, and Contract Negotiator until he retired in May 2002.

Charley has been a member of Johns for 18 years, working to help the Leukemia Society and raising money for medical research. He makes his home in Fletcher Hills with his wife, Sue, and shares in the activities of their 10 grandchildren. Sue and Charley are active members of the San Diego County Orchid Society and the San Diego Horticultural Society, and he has written the monthly orchid column in the California Garden Magazine for 30 years.

Charles R. Fouquette exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to him on his recognition as the 2003 Johns ''Fellowship Award winner.''

INTRODUCING THE SOCIAL SECURITY EARNINGS TEST REPEAL ACT OF 2003

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce legislation that will allow our nation's seniors to keep more of their hard-earned money.

Many seniors prefer to remain active in their retirement, even though they may have chosen to leave their career jobs. Some seniors find second careers later in life which enrich their lives and supplement their income.

Unfortunately, the Social Security Earnings Test prohibited these individuals from receiving full Social Security benefits if their incomes exceeded a certain amount. The earnings test was especially unfair for seniors who relied on that additional income to supplement their Social Security checks, because they would, in effect, lose half of their Social Security benefit.

Recognizing the unfairness of this situation, the Congress passed, and on April 7, 2000, President Clinton signed H.R. 5, the Senior Citizens' Freedom to Work Act. This law eliminated the Social Security earnings test for recipients between the ''full retirement age'' (currently age 65 and eight months) and age 70.

While this law was a great victory for seniors who chose to work once they reached retirement age, it does not eliminate the earnings test for seniors who choose to retire early at age 62. These individuals, who might also rely on employment income to supplement their Social Security checks, are simply out of luck.

This situation unfairly penalizes many seniors who need to continue to work after they reach retirement age. The Bureau of Labor Services compiled an experimental Consumer Price Index for the elderly, which found that the prices of goods bought by the general public rose by 66.5 percent, while it rose by 72.6 percent for seniors. This difference of over six percent is significant for someone living on a fixed income, as most seniors do. By penalizing individuals who work in addition to receiving Social Security benefits, we are hurting those most in need of assistance. Seniors should not be forced to choose between their Social Security benefits and earned income.

Additionally, forcing seniors to leave the workforce early signifies a valuable loss to our country in terms of skilled and experienced workers. More than ever America is in need of skilled workers. We should be encouraging these individuals to continue contributing to our economy through their tax dollars, and the additional goods they can consume thanks to their added income.

That is why I am introducing the Social Security Earnings Test Repeal Act of 2003. This legislation would amend title II of the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving benefits under such title.

Social Security is a right earned by workers through their hard work. The Social Security Earnings Test Repeal Act of 2003 will allow retirees to rejoin the workforce without the fear of a loss of benefits. We have no right to forbid or difficult someone's desire to work. I urge my colleagues to support this legislation. Thank you, Mr. Speaker.

RECOGNIZING THE LIFE OF JAMES GEORGE LEATHERS FOR HIS OUTSTANDING SERVICE AND DEDICATION TO HIS COMMUNITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of a leader in our community, James George Leathers.

Born in San Francisco on September 4, 1918, Jim passed away on Monday, September 1, 2003, with his wife Dorothy Worth Leathers and his family by his side in Woodland, California. Jim graduated from the University of California at Davis in 1939. After successfully beginning both their farming operation and their family, Jim and Dorothy built their dream home in Woodland in 1950, planted their garden and joined the community. Jim and Dorothy had 5 sons and 1 daughter and were blessed with 20 grandchildren and 5 great grandchildren.

Jim was loved in Woodland for his unstinting community dedication. His service encompassed youth activities, both sports and scouting and included the chairmanship of the Woodland Memorial Hospital Foundation board. He dedicated himself to the agricultural community as well and was instrumental in forming the Farmers Rice Cooperative and the California Rice Research Committee. In 1968 he was named the Agriculture Businessman of the Year for Yolo County and later served for 5 years on the California Air Resources Board during the Jerry Brown administration.

Mr. Speaker, Jim's generosity and example of service inspires us all and it is appropriate that we celebrate and honor his life. He will be missed in our community but his dedication to others and his life example will never be forgotten.

HONORING JOAN MCCAFFERTY KUPERSMITH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. MCGOVERN. Mr. Speaker, I rise today to recognize Joan Anne McCaffery Kupersmith of Wilton, Connecticut, who will be feted at Patsy's Restaurant in New York City on Sept. 18, 2003, on the occasion of her fortieth birthday.

Mrs. Kupersmith was born in Teaneck, New Jersey on Sept. 18, 1963, and was raised with her five terrific siblings in Harrington Park, New Jersey. She is a graduate of Boston College and Harvard Law School. An accomplished attorney, Mrs. Kupersmith has chosen to represent children in the courts of her community, providing expert counsel as a court-appointed attorney for children who need and deserve sage support as they navigate our legal system.

Mrs. Kupersmith's work is made possible in part by the strong support of her husband, Ken, and her loving children, Ryan, Caroline and Nicholas. Public service is a tradition in the Kupersmith and McCaffery families, and I applaud Joan Anne's humanitarianism.

Mr. Speaker, it is a pleasure to acknowledge such a fine individual, and I am certain the entire House of Representatives joins me in extending our very best wishes to Joan Anne and her entire family at this festive time.

TRIBUTE TO HAROLD GEBHARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of this Nation's most distinguished and dedicated Postmasters, Mr. Harold L. Gebhard. After 50 years of faithful service to our Nation, the past 28 years of which he has served the Northwest Florida communities through the United States Postal Service, Mr. Sutton deserves to be recognized as an outstanding public servant.

Mr. Gebhard began his devotion to our beloved Nation in 1952, when he enlisted in the United States Air Force. He continued with valor in Vietnam from 1968 to 1969 and was awarded both a Bronze Star and a Vietnam Cross of Gallantry when he returned home. Mr. Gebhard served 22½ years in the armed services, achieving the rank of Chief Master Sgt., E–9.

In 1975, Mr. Gebhard came to our community and began as a mail handler in the Pensacola Mail Processing Plant. A short 5 years later, he was promoted Postmaster in McDavid, FL and in 1983; Mr. Gebhard was again promoted to Superintendent of Postal Operations in Cantonment, FL. For the past 8 years he has kept watch as Postmaster and continues his tenure there today. Over the

course of his remarkable career, Mr. Gebhard has remained focused on maintaining impeccable customer relations while serving area residents.

Upon his 50th anniversary of Federal service, his wife Leigh Gebhard, and both those he has helped serve and those he has worked with, appreciate and respect the work he has accomplished over the years. I feel confident in saying that Mr. Gebhard truly has an impact in the lives of those around him.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to Mr. Harold L. Gebhard on his 50th anniversary in serving the public. For the past 50 years, he has dedicated himself towards helping the residents of Northwest Florida and for that we will be forever grateful. Mr. Speaker, on this such occasion, we honor one of America's greatest public servants.

DR. JOSE LUIS GARCIA PANEQUE—CUBAN SURGEON, HUMAN RIGHTS ADVOCATE, AND POLITICAL PRISONER

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, I come today to the floor of the House to speak about Cuban political prisoner Dr. Jose Luis Garcia Paneque, Surely few of my colleagues are aware of the case of Dr. Jose Luis Garcia Paneque, but that does not make his imprisonment by the Castro dictatorship any less brutal and inhumane, or any less deserving of our attention.

Mr. Speaker, more of my colleagues need to know the names of Cuba's many political prisoners.

Dr. Garcia Paneque is 38 years old, married, with four young children. He is a talented medical professional with an entire life and future ahead of him. However, he was born after the Castro dictatorship's take-over and into the totalitarian nightmare that some Castro sycophants say has improved the lives of the Cuban people. Dr. Garcia Paneque does not see it that way, because he is not free. He is a young doctor in jail because of his belief in freedom.

Dr. Garcia Paneque was arrested, along with more than 100 others, in the March 2003 crackdown, on the internal opposition. What was his crime? He provided free medical care independent of the government, opened a private library, defended human rights, and worked with the independent media.

Imagine, Mr. Speaker, there are Members of Congress who have dined with Castro and actually point to the dictatorship's health care system as a model, yet I am sure they do not even know the name of this man who was arrested because he was the leader of a regional branch of the unofficial Independent Medical Association. Dr. Garcia Paneque gave medical treatment to Cubans who were denied that treatment by the system run by the dictatorship.

You see, Mr. Speaker, the Castro dictatorship uses access to medical treatment, food, education, and other things we take for granted, as a tool of political control. Dr. Garcia Paneque's association of medical professionals is nothing more than a group independent of the government controlled medical association. On Capitol Hill, we meet with dozens of associations representing medical professionals, but under the Castro dictatorship, there can only be one medical association in Cuba and it is controlled by the dictatorship.

Dr. Garcia Paneque was detained March 18, sentenced on April 4 to 24 years in prison, and transferred on May 17 to Villa Clara Provincial Prison with his hands and feet tied behind his back. It was a 7-hour ride by truck. According to what his wife has been told by his jailers, he was transferred to a prison 300 miles from where she lives to deny her and their four children regular visitation.

Dr. Garcia Paneque's wife, Yamile Llanez, is a lawyer and also a member of the opposition movement. Because of her activities in support of human rights, she has been stripped of her job and her food ration card. She and her children are dependent on charity to survive.

Dr. Garcia Paneque has lost 30 pounds since he was detained on March 18. He is currently held in something worse than solitary confinement: a dark 2.5 by 5 foot punishment cell. In his cell, he cannot move or exercise, and there are absolutely no sanitary facilities. He suffers from currently untreated asthma, allergies, and skin fungus.

Mr. Speaker, I ask my colleagues to know Mr. Garcia Paneque's name. And know the name of his wife, Yamile Llanez. I ask Members to learn the names of the other political prisoners I have spoken about from the floor of the U.S. House of Representatives: Ibarra, Rivero, Leyva, Antunez, Espinosa, Roque. I ask Members who visit with Castro to also raise the names of these brave political prisoners, to demand to visit them, and to demand their release.

Mr. Speaker, I ask for my colleagues to believe what Dr. Garcia Paneque believes: that Cuba should be free.

RESOLUTION SUPPORTING UNITED NATIONS MEMBERSHIP FOR TAIWAN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to introduce a resolution calling for Taiwan to become a member of the United Nations.

The resolution states that it is the sense of Congress that ''(1) Taiwan and its 23 million people deserve full and equal membership in the United Nations and other international organizations; and (2) the United States should take a leading role in gaining international support for Taiwan's participation in these organizations.''

Taiwan, a strong advocate of human rights and fundamental freedoms, and a bastion of economic strength, deserves the same privileges as all other thriving democracies. With the election of its President, Mr. Chen Shuibian, in a free and fair election in March 2000, Taiwan continues to strengthen its democracy by improving safeguards for human rights and contributing to the international community.

Taiwan was driven out of the United Nations in 1971 and, since then, has continually tried to regain admission. The People's Republic of China (PRC) has blocked those efforts. The PRC, one of the five permanent Security Council members, which determines new UN membership, continually pressures other nations not to support Taiwan's membership.

The 23 million people of Taiwan have much to contribute, both intellectually and financially, to many international organizations, including the UN. Clearly, the people of Taiwan should also benefit from any positive work these organizations engage in as well.

It is unreasonable for the people of Taiwan to be excluded from full participation in international institutions. Denying Taiwan membership in the United Nations and other international organizations, such as the World Health Organization, is unacceptable.

For the past several years, both Houses of the U.S. Congress have consistently introduced and passed legislation supporting Taiwan's meaningful participation and membership into the United Nations and the World Health Organization. This important legislation restates our support and our commitment to the progress of Taiwan's democracy.

I believe that Taiwan's full and equal membership in the United Nations and other international organizations is long overdue. Now is the time to right the wrong committed in 1971, by granting Taiwan the status it deserves.

INTRODUCTION OF THE STRENGTHENING SCIENCE AT THE ENVIRONMENTAL PROTECTION AGENCY ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. EHLERS. Mr. Speaker, today I am pleased to introduce legislation that will strengthen the role that science plays within the Environmental Protection Agency. This legislation is precisely the same bill that passed the House in April of last year (H.R. 64 in the 107th Congress).

I introduce this today on the heels of the Administration's renewed interest in passing legislation that would promote EPA to a cabinet-level department. I still support efforts to elevate EPA without significant structural changes, yet I strongly believe that the scientific and regulatory arms of the Agency should be more integrated. The Administration has recently shown a new willingness to accept some restructuring proposals as part of legislation to elevate EPA. In fact, during a recent congressional hearing the acting EPA Administrator testified that, ''the time has come to establish EPA as a permanent member of the Cabinet, modernizing its structure in a straightforward way to ensure it can respond effectively to future environmental challenges.''

If restructuring proposals are included in elevation legislation, then the most fundamental and straightforward reform needed at the EPA is to strengthen the role that science plays in the Agency's regulatory decision-making process. Science must infuse this process. Too often it is used as a cudgel to win a legal battle, or as an afterthought to the regulatory process, rather than as the foundation of a regulatory decision.

The need to strengthen science at the EPA is well-documented. The most recent report, issued by the National Research Council, made two major recommendations. First, that the EPA create a new Deputy Administrator for Science and Technology to serve as an advocate for and reviewer of science at the most senior levels of the Agency. Second, that EPA set a fixed term for the Assistant Administrator of the Office of Research and Development. These changes would help elevate the role of science in the decision-making process at the Agency, as well as provide more stability to existing research efforts inside of the Agency. The legislation I am introducing today captures both of these ideas and will help ensure that science informs and infuses the regulatory work of the EPA.

I urge the Administration not to go too far down the road of ''structural changes'' and to tightly adhere to their goal of accepting only straightforward ones. This legislation is one of the simplest, straightforward, and yet most effective structural changes Congress can make. It will truly improve the decision-making process at EPA. Additionally, this proposal has already passed the House and garnered the support organizations from the scientific and business community. I look forward to working with the Administration on this legislation and urge my colleagues to support it.

THRIFT SAVINGS IMPROVEMENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Thrift Savings Fund Improvement Act. This legislation to expand the investment options available to congressional and other federal employees by creating a precious metals investment fund in the Thrift Savings Plan (TSP). Adding a precious metals fund to the TSP will enhance the plan's ability to offer congressional employees a wide range of investment options that can provide financial security even during difficult economic conditions.

All of us recognize the importance of maintaining a professional congressional staff and promoting longevity of service in order to enhance stability in the operations of Congress. This is why we have recently enacted legislation authorizing new benefits, such as a student loan forgiveness program, and have taken other measures to improve staff compensation and benefits.

The Thrift Savings Plan is one of the most important benefits offered to congressional employees. A strong TSP can obviously play a key role in attracting and retaining talented individuals to serve in the legislative branch. However, the three stock index funds in the Thrift Savings Plan have not recently performed well, especially when measured against inflation. In 2002, for example, losses from these funds were greater than three, four, and five percent, respectively, in the month of December and, more than 15, 18, and 22 percent, respectively, for the entire year!

In contrast, increases in gold spot prices more than offset the losses experienced by even the worst performing stock-indexed fund in the Thrift Savings Plan in 2002, with the price of gold increasing by nearly 25 percent in the year and by more than nine percent in December!

Recent gains aside, precious metals have a number of features that make them a sound part of a prudent investment strategy. In particular, inflation does not erode the value of precious metals is not eroded over time. Thus, precious metals can serve as a valuable ''inflation hedge.'' Precious metals also maintain, or even increase, their value during times of stock market instability, such as what the country is currently experiencing. Thus, investments in precious metals can help ensure that an investment portfolio maintains its value during times of economic instability.

Federal employees could greatly benefit from the protection against inflation and economic downturns provided by prudent investments in precious metals. I, therefore, once again urge my colleagues to cosponsor the Thrift Savings Fund Improvement Act.

COMMEMORATING THE RETIREMENT OF ANNE S. KIEHLE, PH.D, SUPERINTENDENT OF FORT SAM HOUSTON ISD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GONZALEZ. Mr. Speaker, I rise today to commend Dr. Anne S. Kiehle, Superintendent of Fort Sam Houston Independent School District (ISD). Dr. Kiehle's many contributions to education over her distinguished 36 year career has been recognized by her fellow educators. She has served as president of the Texas Elementary Principals and Supervisors Association (TESPA) as well as an active member of numerous educational organizations including the National Association of Federally Impacted School (NAFIS), Military Impacted Schools Association, and American Association of School Administrators (AASA). Additionally, she participates in the National Center for Educational Research and Technology (NCERT), the Association of Supervisors and Curriculum Development (ASCD), and the Texas Association of School Administrators (TASA).

Dr. Kiehle, who assumed top leadership role at Fort Sam Houston ISD in May 1996, has guided the school district to its current ''Exemplary'' status as designed by the Texas Education Agency which rate student performance, drop-out rates, and attendance.

Dr. Kiehle is also responsible for Fort Sam Houston ISD's involvement in the Military Child Education Coalition, an international organization whose mission is to establish partnerships and provide networking of schools and military installations regarding educational issues related to the military child. She has worked with MCEC officials on local arrangements for a Department of Defense Roundtable Discussion for education of military students.

Technology has been one of Dr. Kiehle's major initiatives beginning with networking of the school district, providing district personnel and students with computer hardware and software for instruction, record keeping, and increased communication with families both here and overseas. Distance learning capabilities have been added for student and district personnel.

Fort Sam Houston ISD schools have experienced major facility renovations and new construction as part of the Long-Range Facility Plan developed under Dr. Kiehle's leadership. Early in her administration, a new JROTC Building was built on the Cole campus, with the existing building renovated into a multipurpose Professional Development Center.

Mr. Speaker, it is my distinct pleasure to commend Dr. Anne S. Kiehle for her hard work and dedication to Fort Sam ISD. It is the perseverance and dedication of women like her that have made Fort Sam Houston ISD a great institution for students to attend.

IN MEMORY OF ANDREA MARTIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. PELOSI. Mr Speaker, I rise to pay tribute to the inspirational life and work of Andrea Martin, who died peacefully at her home on August 6. A loving wife, devoted mother, and treasured friend, Andrea was a woman of incomparable courage. A champion in the fight against breast cancer both locally and nationally, she used her resources and creativity to expose a national health crisis and fight a critical battle. She fought for all of us by advocating for safer and earlier detection, less toxic treatments and research into environmental causes. Andrea's memory will be cherished by her friends and loved ones and by those countless women whose lives she touched through her relentless advocacy.

Born in New York City and raised in Memphis, Tennessee, Andrea graduated from Tulane University and received her master's degree in French while on a fellowship at Tufts University. She moved to San Francisco in 1969, where she taught French at a local high school. Six years later, Andrea earned a law degree from Hastings College at a time when few women had the opportunity to attend law school. Five years after she joined the law firm of Crosby, Heafey, Roach, and May, Andrea left the practice to open Hog Heaven, a Memphis-style barbeque restaurant.

In 1989, Andrea was diagnosed with breast cancer and told that she had little chance of survival. Andrea's determination and strength of character motivated her to overcome this challenge. After a difficult year of treatment, she joined DIANNE FEINSTEIN's gubernatorial campaign in California and became a top fundraiser for Senator FEINSTEIN.

After being diagnosed with breast cancer for a second time in 1991, Andrea chose to take the offensive. She founded the Breast Cancer Fund in the living room of her San Francisco apartment. Through her dedication and hard work, she transformed the Fund into one of the most influential breast cancer research advocacy group in the nation.

For the rest of her life, she would be an important national leader in the fight against breast cancer. Andrea was a relentless advocate who helped convince elected officials, health officials, and scientists to spend more

time and money discovering and eliminating the environmental causes of breast cancer. Her conviction to educate the public on the environmental links to breast cancer inspired the CDC bio-monitoring legislation that I sponsored.

Andrea ''climbed against the odds,'' literally and figuratively. Leading other survivors in the extraordinary mountain-climbing expeditions of Mt. Aconcagua in the Andes, Alaska's Mt. McKinley, and Japan's Mt. Fuji, she helped increase public awareness and raised over a million dollars for breast cancer research. She taught us that ''working together with daring, dedication and determination, we can not only climb mountains one step at a time, but we can move them.''

Andrea helped change how we talk and think about breast cancer—from a private challenge to a public health crisis that must be surmounted. She fought her battles like a fierce warrior, but lived her life with serenity and grace.

To Andrea's husband, Richard Gelernter, her daughter, Mather, her father and stepmother, Irwin and Becky Ravinett, and to all her family and friends, thank you so much for sharing Andrea with us, and with the countless breast cancer survivors who relied on her indomitable spirit. As Andrea's friend and colleague, Wanna Wright, so movingly wrote, ''her vision, like light, illuminated our lives.''

THE CHILD CARE LENDING PILOT ACT OF 2003

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to talk about an important issue for many working families in this country—access to affordable childcare.

As all parents know, quality childcare is very hard to find, and it is also very expensive. It is especially expensive for families with low and moderate incomes. According to the Children's Defense Fund, childcare for a four-year-old child averages between $4,000 and $6,000 per year in cities and states around the nation.

With so many families comprised of two parents who are working, the need for childcare has increased dramatically over the last few years, and we as a nation need to ensure that the children of these hardworking Americans have a safe, reliable, and moderately priced place to learn and grow.

Mr. Speaker, it is for these reasons that I am pleased to introduce today, with over twenty-five of my colleagues, the ''Child Care Lending Pilot Act of 2003.'' This legislation will create a three-year pilot program that allows small, non-profit childcare businesses to access financing through the Small Business Administration's Certified Development Company (CDC)/504 loan program.

As a Ranking Member of the House Committee on Small Business, I believe the SBA's 504 loan program is the perfect vehicle to expand the availability of affordable, quality childcare in this country.

Currently, only for-profit childcare businesses are eligible for 504 loans, yet in many states, the majority of childcare is delivered through nonprofit providers. In addition, nonprofits are often the only daycare providers in low-income communities.

Mr. Speaker, The Child Care Lending Pilot Act will provide licensed nonprofit childcare providers access to desperately needed funding to start new centers with loan dollars that may not ordinarily be available without the incentive of a guarantee from the SBA.

The 504 program is an appropriate vehicle for this initiative because it was created to spur economic development and rebuild communities.

Financing through the 504 program will encourage the establishment and viability of childcare businesses because the program requires the borrower to only put down between 10–20 percent of the loan, with fixed interest rates for up to 20 years.

Furthermore, the borrowers and lenders who participate in the 504 program cover the costs through program fees, which means there is no appropriation required to cover these loans.

Mr. Speaker, our children, all of our, children, deserve the same quality of care no matter where they live, and I know that this legislation is a strong step in leveling the playing field for parents in low-income communities who simply wish the best for their children.

I hope that my colleagues would support this effort, and ensure that affordable childcare is available to all families.

TRIBUTE TO THE NASHUA LIONS CLUB

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. BASS. Mr. Speaker, I rise to pay tribute to the Nashua Lions Club in recognition of their 80th anniversary on September 22 of this year.

Eighty-six years ago, insurance executive Melvin Jones and his fellow business associates gathered and formed Lions International. Originally, the Lions International was formed to perform humanitarian service. In 1925, Helen Keller spoke at one of their conventions where she challenged Lions International to become her ''Knights of the Blind in the crusade against darkness.'' From this time, Lions clubs have been actively involved in service to the blind and visually impaired.

In the fall of 1923, a similar group of Nashua business leaders gathered at the old YMCA and were chartered as the Nashua Lions Club. The men and women of the Nashua Lions have since heeded the call of Helen Keller and have lived by the Lions motto ''We Serve.''

This year marks an important milestone for the Nashua Lions Club. For the past 80 years, the Nashua Lions has served the greater Nashua community by raising over $1 million that has gone to purchase eye examinations, eye glasses, eye surgery, and hearing aids for needy children and adults.

But the true measure of their impact on Nashua is not in the dollars they have raised, but in the many lives they have touched.

During the last year and with the help of the New KidSight camera, the Nashua Lions have tested more children between the ages of 3 months and 4 years than any club in the entire state.

In the early 1950s, the Nashua Lions led by former Mayor Mario Vagge built the Friendship Club—a place for handicapped Nashua residents to go and socialize. The club is still in use today and has been a home away from home for many, including the famous author Richard Chaput of Nashua.

Whether working with school nurses, local hospitals, Lions Camp Pride, Camp Carefree, or the Lions Haunted House, the Nashua Lions have responded to Helen Keller's call to service.

In addition to their numerous community and charity efforts, the Nashua Lions have also provided leadership to the entire Lions International Organization. During their 80 year history, Nashua has had three district Governors: Clifford Sloan, Joseph Bielawski, and most recently Edward Lecius.

Mr. Speaker, the Nashua Lions are a true example of America's volunteer spirit. Their leadership, compassion, and hard work have helped make the Gate City a wonderful place to live, work, and raise a family. It is with great pleasure that I rise to express my thanks and congratulations for their 80 years of devoted services to their community and state.

Daily Digest

HIGHLIGHTS

Senate passed S.J. Res. 17, FCC Media Ownership.

Senate passed H.R. 2754, Energy and Water Development Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11501–S11588

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1618–1623, S. Res. 226–227, and S. Con. Res. 69. **Page S11568**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004". (S. Rept. No.108–148) **Page S11568**

Measures Passed:

FCC Media Ownership: By 55 yeas to 40 nays (Vote No. 348), Senate passed S.J. Res. 17, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership. **Pages S11501–19**

Energy and Water Development Appropriations: By a unanimous vote of 92 yeas (Vote No. 350), Senate passed H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S11521–51**

Adopted:

Reid (for Domenici/Reid) Amendment No. 1665, to rescind certain funds from the Working Capital Fund. **Pages S11521, S11531**

Reid (for Domenici/Reid) Amendment No. 1666, to provide additional funds for certain water and related resources. **Page S11531**

Reid (for Domenici/Reid) Amendment No. 1667, to provide additional funds for the Middle Rio Grande, New Mexico project, and for the Lake Tahoe Regional Wetlands Development project. **Page S11531**

Reid (Domenici/Reid) Amendment No. 1668, to provide funds for the Bureau of Reclamation Loan Program Account. **Page S11531**

Domenici (for Kyl) Amendment No. 1676, relative to the Lower Colorado River Basin Development Fund. **Page S11533**

Reid (for Daschle/Johnson) Amendment No. 1677, to set aside additional funds for the Mni Wiconi project, South Dakota. **Page S11533**

Domenici (for Shelby) Amendment No. 1678, to set aside funds for certain projects and activities at the Alabama-Coosa River, Alabama. **Page S11533**

Reed Amendment No. 1659, to prohibit the use of funds for certain activities relating to advanced nuclear weapons concepts, including the robust nuclear earth penetrator. **Pages S11534–38**

Reid (for Inouye) Modified Amendment No. 1646, to modify the provision relating to the Waikiki Beach project, Oahu, Hawaii. **Page S11538**

Reid (for Feinstein) Modified Amendment No. 1656, to authorize a wastewater infrastructure project for Coronado, California. **Page S11538**

Domenici Amendment No. 1681, relative to economic development. **Page S11538**

Reid Amendment No. 1682, to provide additional funds for certain water resources development projects. **Page S11538**

Domenici (for Smith) Amendment No. 1683, to direct the Secretary of the Interior to conduct a water supply feasibility study for Tualatin River Basin, Oregon. **Page S11538**

Domenici (for Kyl) Amendment No. 1687, to authorize the Secretary of the Interior to extend, on an annual basis, the repayment schedule of certain debt to facilitate Indian water rights settlements in the State of Arizona, with an offset. **Page S11539**

Reid Amendment No. 1688, to provide that $500,000 may be used for completion of design and

initiation of construction of the McCarran Ranch, Nevada, environmental restoration project. **Page S11539**

Domenici (for Dole) Amendment No. 1689, to set aside funding in connection with the harbor of Morehead City, North Carolina, for a project to disperse sand along Bogue Banks. **Page S11539**

Domenici (for Bennett) Amendment No. 1690, to provide for a transfer of funds to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah. **Page S11539**

Reid (for Wyden) Amendment No. 1691, to set aside funding for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon. **Page S11539**

Reid (for Levin) Amendment No. 1692, to provide funds for use in carrying out Great Lakes remedial action plans and sediment remediation programs under the Water Resources Development Act of 1990. **Page S11539**

Domenici (for Cochran) Amendment No. 1696, to increase the authorization of appropriations for the provision of environmental assistance for the State of Mississippi. **Page S11540**

Reid (for Dorgan) Amendment No. 1697, to provide that the funds made available for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable. **Page S11540**

Reid Amendment No. 1698, to provide additional funds for the Recreation Management Support Program. **Page S11540**

Reid (for Conrad) Amendment No. 1699, to modify the project for flood control, Park River, Grafton, North Dakota. **Page S11540**

Domenici (for Thomas) Amendment No. 1700, to direct the Western Area Power Administration to provide electrical power supply and delivery assistance to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit. **Page S11540**

Reid Amendment No. 1701, to provide $100,000 for initiation of feasibility studies to address erosion along the Bayou Teche, Louisiana within the Chitimacha Reservation. **Page S11540**

Domenici (for Bennett) Amendment No. 1702, to provide a definition of rural Utah for the purposes of the environmental assistance program. **Page S11540**

Reid Amendment No. 1703, to provide funds for water resource development projects. **Page S11540**

Reid (for Wyden) Amendment No. 1704, to set aside funding for a defense and security research center. **Page S11540**

Reid (for Feingold) Amendment No. 1705, to require the Secretary of the Interior and the Secretary of Energy to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States. **Page S11541**

Domenici/Reid Amendment No. 1706, to make a technical correction. **Page S11541**

Domenici Amendment No. 1707, to make a technical correction. **Page S11541**

Domenici Amendment No. 1708, to provide funding to preserve Department of Energy historical sites and other aspects of the history of its programs. **Page S11541**

Byrd Amendment No. 1709, to set aside funding for the Administration's Clean Energy Technology Exports Initiative. **Pages S11541, S11543**

Reid (for Bingaman) Amendment No. 1710, to limit the availability of funds for the Advanced Concepts Initiative of the National Nuclear Security Administration pending a report on activities under the initiative. **Page S11541**

Domenici (for Voinovich) Amendment No. 1711, to set aside funding for the Great Lakes fishery and ecosystem restoration program. **Page S11541**

Reid Amendment No. 1712, to provide funds to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture, and to provide funds for the purchase of bottled water for schoolchildren in Fallon-area schools. **Page S11541**

Domenici (for Specter) Amendment No. 1713, to direct the Secretary of the Army to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania. **Page S11541**

Reid/Domenici Amendment No. 1714, to direct the Secretary of the Interior to lease certain public lands in Wyoming. **Pages S11541–42, S11543–44**

Domenici (for Warner) Amendment No. 1715, to appropriate funds to develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. **Page S11542**

Domenici/Reid Amendment No. 1716, to provide for additional funds for the maintenance of certain harbor channels. **Page S11542**

Reid (for Reed) Amendment No. 1717, to make available funds for the Office of Electricity and Energy Assurance. **Page S11542**

Reid (for Corzine/Lautenberg) Amendment No. 1718, to provide additional funding for the project for Passaic River Steambank Restoration, Minish Park, New Jersey, with an offset. **Page S11542**

Domenici (for Grassley/Murkowski) Amendment No. 1719, to require the Secretary of Labor to provide technical and managerial assistance to the Secretary of Energy to carry out claims-related activities under the Energy Employees Occupational Illness Compensation Program Act 2000. **Page S11542**

Reid (for Schumer) Amendment No. 1720, to prohibit the use of funds for the Great Lakes Sediment Transport Models. **Page S11542**

Reid (for Schumer) Amendment No. 1721, to reinstate and transfer a hydroelectric license to permit redevelopment of a hydroelectric project in the State of New York. **Page S11542**

Reid (for Wyden/Smith) Modified Amendment No. 1653, to set aside funding for dredging and other operation and maintenance of the Umpqua River, Oregon. **Page S11540**

Reid (for Sarbanes/Mikulski) Modified Amendment No. 1650, to direct the Secretary of the Army to implement the project for ecosystem restoration, Gwynns Falls, Maryland. **Pages S11539, S11543**

Reid (for Murray) Modified Amendment No. 1669, to authorize the Secretary of the Army to carry out a joint project with Asotin County, Washington to construct a Snake River Confluence Interpretative Center near Clarkston, Washington. **Page S11540**

Reid (for Bingaman) Modified Amendment No. 1658, to set aside funds for the Navajo electrification demonstration program. **Page S11540**

Reid (for Leahy) Modified Amendment No. 1675, to authorize the Secretary to remove oil bollards in Burlington Harbor, Vermont. **Page S11540**

Domenici (for Voinovich) Amendment No. 1679, to provide for a report on administrative expenditures of the Secretary of Energy for the Energy Employees Occupational Illness Compensation Act. **Page S11540**

Domenici (for DeWine) Amendment No. 1685, to direct the Secretary of the Army to complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio. **Page S11540**

Rejected:

Feinstein Amendment No. 1655, to prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction. (By 53 yeas to 41 nays (Vote No. 349), Senate tabled the amendment). **Pages S11531–33**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Domenici, Cochran, McConnell, Bennett, Burns, Craig, Bond, Stevens, Reid, Byrd, Hollings, Murray, Dorgan, Feinstein, and Inouye. **Page S11551**

A unanimous-consent agreement was reached providing that, notwithstanding passage of H.R. 2754 (listed above), Santorum (for Bingaman) Amendment No. 1722, to improve administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) be agreed to. **Pages S11550–51**

Authorizing Senate Legal Representation: Senate agreed to S. Res. 226, to authorie representation by the Senate Legal Counsel in the case of *Josue Orta Rivera* v. *Congress of the United States of America, et al.* **Page S11587**

Expressing Sorrow On the Death of Frank O'Bannon: Senate agreed to S. Res. 227, expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones. **Page S11587**

Partial-Birth Abortion Ban—House Message: Senate resumed consideration of a motion to go to conference on S. 3, to prohibit the procedure commonly known as partial-birth abortion: **Pages S11551–57**

A unanimous-consent agreement was reached providing for further consideration of the motion, at 8:30 a.m., on Wednesday, September 17, 2003; that the time until 10:30 a.m. be equally divided between Senators Santorum and Boxer, or their designees; and that there be four hours of debate remaining. **Page S11588**

Interior Department Appropriations—Agreement: A unanimous-consent agreement was reached providing that at 10:30 a.m., on Wednesday, September 17, 2003, Senate begin consideration of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. **Page S11588**

Petitions and Memorials: **Pages S11565–68**

Additional Cosponsors: **Pages S11568–69**

Statements on Introduced Bills/Resolutions: **Pages S11569–79**

Additional Statements: **Pages S11563–64**

Amendments Submitted: **Pages S11579–86**

Notices of Hearings/Meetings: **Page S11586**

Authority for Committees to Meet: **Pages S11586–87**

Privilege of the Floor: **Page S11587**

Record Votes: Three record votes were taken today. (Total—350) **Pages S11519, S11533, S11550**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:16 p.m., until 8:30 a.m., on Wednesday, September 17, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11588.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing on the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, who was introduced by Senator Sununu, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement, and Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration, after the nominees testified and answered questions in their own behalf.

FINANCIAL RECONSTRUCTION IN IRAQ

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded a hearing on recent developments on the financial reconstruction in Iraq, after receiving testimony from Alan Larson, Under Secretary of State for Economic, Agricultural and Business Affairs; John B. Taylor, Under Secretary of Treasury for International Affairs; and Philip Merrill, President and Chairman, Export-Import Bank of the United States.

CLEAN WATER ACT OVERSIGHT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water held an oversight hearing to examine the implementation of the Clean Water Act, focusing on the Total Maximum Daily Load (TMDL) program, Spill Prevention Control and Countermeasure plans, storm water issues, and water quality trading, receiving testimony from G. Tracy Mehan III, Assistant Administrator for Water, Environmental Protection Agency; David Mabe, Idaho Department of Environmental Quality, Boise; Juli Beth Hoover, City of South Burlington, South Burlington, Vermont; Michael J. Samoviski, City Manager, Hamilton, Ohio; Steve Kouplen, Oklahoma Farm Bureau Federation, Oklahoma City, on behalf of the American Farm Bureau Federation; Lee Fuller, Independent Petroleum Association of America, on behalf of sundry organizations, and Jim Hall, Hall and Associates, former Chairman, National Transportation Safety Board, both of Washington, D.C.; Michael R. Lozeau, Earthjustice, Stanford, California; and Rena Steinzor, University of Maryland School of Law, Baltimore, on behalf of the Center for Progressive Regulation.

Hearing recessed subject to the call.

FUTURE OF GAO

Committee on Governmental Affairs: Committee concluded a hearing on the future of the General Accounting Office, focusing on past accomplishments, future challenges, including why passage of S. 1522, the GAO Human Capital Reform Act is an integral part of helping GAO prepare for the future, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office; and Maurice P. McTigue, George Mason University, Mercatus Center, Arlington, Virginia.

NOMINATION

Committee on Governmental Affairs: Committee concluded hearing on the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security, after the nominee, who was introduced by Senators Campbell and Allard, testified and answered questions in her own behalf.

PRESIDENTIAL SUCCESSION

Committee on the Judiciary/Committee on Rules and Administration: Committees concluded a joint hearing to examine the continuity of the United States government in relation to the Presidency, focusing on the role of Congress in line of Presidential succession, including Presidential incapacitation, impeachment and removal, death or resignation, and the bumping or supplantation procedure, after receiving testimony from Akhil Reed Amar, Yale University Law School, New Haven, Connecticut; John C. Fortier, American Enterprise Institute, and M. Miller Baker, McDermott, Will and Emery, both of Washington, D.C.; and Howard M. Wasserman, Florida International University College of Law, Miami.

H–1B VISAS

Committee on the Judiciary: Committee concluded a hearing to examine the importance of the H–1B visa to the American economy, focusing on protection of United States workers including training and recruiting, statistics on usage, the globalized economy, and Free Trade Agreements, after receiving testimony from Stephen Yale-Loehr, Cornell University Law School, Ithaca, New York, on behalf of the American Immigration Lawyers Association; Elizabeth C. Dickson, Ingersoll-Rand Company, Woodcliff Lake, New Jersey, on behalf of the U.S. Chamber of Commerce; John W. Steadman, Institute of Electrical and Electronics Engineers—United States of America, Washington, D.C.; and Patrick J. Duffy, Intel Corporation, Chandler, Arizona.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 3084–3104; 1 private bill, H.R. 3105; and 8 resolutions, H. Con. Res. 280–284, and H. Res. 368–369, 371, were introduced. **Pages H8282–84**

Additional Cosponsors: **Pages H8284–85**

Reports Filed: Reports were filed as follows:

H.R. 7, to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, amended, (H. Rept. 108–270, Pt. 1);

H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program (H. Rept. 108–271);

H.R. 1945, to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, amended, (H. Rept. 108–272);

H. Res. 370, providing for consideration of the bill H.R.7, to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses (H. Rept 108–273). **Page H8282**

Speaker: Read a letter from the Speaker wherein he appointed Representative Boozman to act as Speaker pro tempore for today. **Page H8223**

Recess: The House recessed at 1:01 p.m. and reconvened at 2:00 p.m. to start the legislative day. **Page H8227**

Dispense with Private Calendar: The House agreed to dispense with the Private Calendar for today. **Page H8227**

Department of Defense Appropriations—Motion To Go to Conference: The House disagreed to the Senate amendment to H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and agreed to a conference. **Page H8228**

Appointed as conferees: Representatives Lewis (CA), Young (FL), Hobson, Bonilla, Nethercutt, Cunningham, Frelinghuysen, Tiahrt, Wicker, Murtha, Dicks, Sabo, Visclosky, Moran (VA), and Obey. **Page H8228**

Agreed to close portions of the conference when classified national material is being discussed by a yea-and-nay vote of 424 yeas with none voting nay, Roll No. 503). **Page H8255**

Military Construction Appropriations—Motion To Go to Conference: The House disagreed to the Senate amendment to H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and agreed to a conference. **Page H8228**

Appointed as conferees: Representatives Knollenberg, Walsh, Aderholt, Granger, Goode, Vitter, Kingston, Crenshaw, Young (FL), Edwards, Farr, Boyd, Bishop, Dicks, and Obey. **Page H8228**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Fremont-Madison Conveyance Act: S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; **Page H8229**

Irrigation Project Contract Project Extension Act: H.R. 2040, to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; **Pages H8229–30**

San Gabriel Basin Demonstration Project: H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; **Pages H8230–31**

Honoring Lawrence Eugene "Larry" Doby: H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene "Larry" Doby; **Pages H8231–34**

Remembering the March on Washington of August 28, 1963: H. Res. 352, remembering and honoring the March on Washington of August 28, 1963 (agreed to by a yea-and-nay vote of 426 yeas with none voting nay, Roll No. 504); **Pages H8234–39, H8255–56**

Postmaster Equity Act of 2003: S. 678, to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs (agreed to by a yea-and-nay vote of 426 yeas with none voting nay, Roll No. 505); **Pages H8239–40, H8256–57**

Honoring the Honorable Frank O'Bannon: H. Res 369, expressing profound sorrow for the death of the Honorable Frank O'Bannon and gratitude to the Honorable Frank O'Bannon for serving the State of Indiana with honor and distinction; **Pages H8240–44**

50th Anniversary of the SBA: H. Res. 368, Honoring the 50th anniversary of the SBA and recognizing Small Business Week; and **Pages H8244–47**

Museum and Library Services Act of 2003: H.R. 13, to reauthorize the Museum and Library Services Act. **Pages H8248–54**

Recess: The House recessed at 4:43 p.m. and reconvened at 6:36 p.m. **Page H8254**

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: Representative Ryan of Ohio announced his intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. **Page H8254**

Legislative Branch Appropriations—Motion To Go to Conference: The House disagreed to the Senate amendments on H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and agreed to a conference. **Pages H8254–55**

Appointed as conferees: For consideration of the House bill and the Senate amendments (except for title III in the Senate amendment numbered 3), and modifications committed to conference: Representatives Kingston, LaHood, Tiahrt, Culberson, Kirk, Young (FL), Moran (VA), Price (NC) Clyburn, and Obey.

For consideration of title III in the Senate amendment numbered 3 and modifications committed to conference: Representatives Young (FL), Taylor (NC) and Obey. **Pages H8254–55**

National Defense Authorization Act—Motion To Instruct Conferees: Representative Rodriguez announced his intention to offer a motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004. **Page H8257**

Medicare Prescription Drug Benefit—Motion To Instruct Conferees: Representative Stenholm announced his intention to offer a motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. **Page H8257**

Senate Message: Message received from the Senate today appears on page H8223.

Senate Referral: S.J. Res. 17 was ordered held at the desk. **Page H8223**

Adjournment: The House met at 12:30 p.m. and adjourned at 11:31 p.m.

Committee Meetings

HOLOCAUST ERA INSURANCE RESTITUTION

Committee on Government Reform: Held a hearing on ''Holocaust Era Insurance Restitution after *AIA* v. *Garamedi:* Where Do We Go From Here?'' Testimony was heard from Ambassador Randolph M. Belle, Special Envoy, Holocaust Issues, Department of State; Lawrence S. Eagleburger, Chairman, International Commission on Holocaust Era Insurance Claims; Gregory V. Serio, Superintendent, Insurance Department, State of New York; and public witnesses.

SYRIA: IMPLICATIONS FOR U.S. SECURITY AND REGIONAL STABILITY

Committee on International Relations: Subcommittee on Middle East and Central Asia held a hearing on Syria: Implications for U.S. Security and Regional Stability—Part I. Testimony was heard from John R. Bolton, Under Secretary, Arms Control and International Security, Department of State.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 280, National Aviation Heritage Area Act; H.R. 646, Fort Donelson National Battlefield Act of 2003; H.R. 1594, St. Croix National Heritage Area Study Act; H.R. 1618, Arabia Mountain National Heritage Area Act; and H.R. 1862, Oil Region National Heritage Act. Testimony was heard from Representatives Hobson, Whitfield and Majette; and public witnesses.

CHARITABLE GIVING ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 7, Charitable Giving Act of 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means, as modified by the amendment printed in Part A of the Rules Committee report accompanying the resolution, shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute printed in Part B of the Rules Committee report, if offered by Representative Cardin or his designee, which shall be considered as read and shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Blunt, Gilchrest, Cardin, Edwards and Baird.

AMERICA'S CYBERSPACE SECURITY—DEPARTMENT OF HOMELAND SECURITY

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development held a hearing entitled ''The Invisible Battleground: What the Department of Homeland Security is Doing to Make America's Cyberspace More Secure.'' Testimony was heard from Robert Liscouski, Assistant Secretary, Infrastructure Protection Directorate, Department of Homeland Security.

Joint Meetings

AMERICAN LEGION

Joint Hearings: Senate Committee on Veterans' Affairs concluded a joint hearing with the House Committee on Veterans' Affairs to receive the legislative priorities of the American Legion, focusing on budgetary recommendations for the Department of Veterans Affairs for FY 2005, after receiving testimony from John A. Brieden III, American Legion, Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 17, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine digital right management and privacy issues, 10 a.m., SR–253.

Full Committee, to hold hearings to examine the nominations of Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, Karen K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 10 a.m., SD–366.

Committee on Finance: business meeting to consider S. 1548, to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, proposed Extension of Highway Trust Fund Provisions, proposed National Employee Savings and Trust Equity Guarantee Act, and H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine West Africa and Latin America in relation to U.S. Energy Security, 2:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine what can be done to ensure the future viability of the U.S. Postal Service, 10 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 420, to provide for the acknowledgement of the Lumbee Tribe of North Carolina, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, Roger W. Titus, to be United States District Judge for the District of Maryland, George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit, 10 a.m., SD–226.

Full Committee, to hold hearings to examine effective federal, state and local law enforcement strategies to combat gang violence in America, 2 p.m., SD–226.

House

Committee on Education and the Workforce, Subcommittee on Select Education, to mark up the following bills: H.R. 3076, Graduate Opportunities in Higher Education Act; and H.R. 3077, International Studies in Higher Education Act, 10:30 a.m., 2175 Rayburn.

Subcommittee on Workforce Protections, hearing on H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act of 2003, 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the International Consumer Protection Act of 2003, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Accounting under Sarbanes-Oxley: Are financial statements more reliable,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, oversight hearing titled ''Human Capital Planning: Exploring the National Commission on the Public Service's Recommendations for Reorganizing the Federal Government,'' 2 p.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Implementation of National Supply Reduction Strategy,'' 10 a.m., 2203 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing titled ''Exploring Common Criteria: Can It Ensure That the Federal Government Gets Needed Security in Software?'' 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Boarder Security, and Claims, to mark up H.R. 2359, Basic Pilot Extension Act of 2003, 4 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on ''Environmental Aspects of Modern Oil and Gas Development,'' 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forests Health, oversight hearing on the Forest Service Recreation Fee Demonstration Program, 2 p.m., 1334 Longworth.

Committee on Small Business, hearing on National Small Business Week: Small Business Success Stories, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Contributions of Ports and Inland Waterways to the Nation's Intermodal Transportation System, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, to consider pending Committee business, 3 p.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, to consider recommendations from the Joint Inquiry, 1 p.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Cybersecurity, Science, and Research and the Subcommittee on Infrastructure and Border Security, to continue joint hearings entitled ''Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness,'' 3 p.m., 2359 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, 1:30 p.m., S–128, Capitol.

Next Meeting of the **SENATE**

8:30 a.m., Wednesday, September 17

Senate Chamber

Program for Wednesday: Senate will continue consideration of the House message relative to the motion to go to conference on S. 3, Partial-Birth Abortion Ban Act.

At 10:30 a.m., Senate will begin consideration of H.R. 2691, Interior Department Appropriations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 17

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 659, Hospital Mortgage Insurance Act of 2003;

(2) H.R. 292, Korean War Veterans Recognition Act of 2003;

(3) H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; and

(4) H.R. 49, Internet Tax Nondiscrimination Act.

Consideration of H.R. 7, Charitable Giving Act of 2003 (modified closed rule, one hour of general debate).

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